**EPA Presentation Shows Current Compliance and Enforcement Priorities**

At the recent KDHE Environmental Conference, Dave Cozad, Director of the Enforcement and Compliance Assurance Division with Region VII EPA gave an update outlining EPA’s upcoming compliance and enforcement priorities.

**Compliance Inspections & Public Posting of Reports**

EPA was scheduled to go back out to do more onsite inspections, but the resurgence of COVID put a delay on that. For the past year they had been doing some announced remote inspections to evaluate compliance. However, unannounced inspections will eventually resume. Inspectors will have Smart Tables preloaded before they go onsite. Their goal is for the report of findings be available in less than 60 days after inspection.

One important comment made was that EPA is working on implementing the public posting of inspection reports. That is, what is found at your site during an inspection and what’s on your report will eventually be available for anyone to see.

**Executive Orders Provide Roadmap**

EPA has been given several directives through Executive Orders (EOs), and the issues EPA will focus on will very much be related to these.

These EOs include the following guidelines:

* Hold polluters accountable, including those who disproportionately harm communities of color and low-income communities.
* Strengthen and enforce environmental violations with disproportionate impact on underserved communities
* Create a community notification program to monitor and provide real-time data to the public on current environmental pollution
* Strengthen enforcement in communities with environmental justice concerns
* Tackle climate change and enforcement of climate change-related issues

The term “environmental justice”, or EJ, goes along with these directives and will be applied to daily decision making. To meet the directives, EPA will be spending more of their time looking at regulated industries in these underserved communities and will be strengthening enforcement of violations for cornerstone environmental statutes and civil laws. Thus, the number of air, wastewater, and hazardous waste inspections in these areas will increase and items such as air monitoring results may be posted for the public to review.

EPA plans on going into these areas and speaking with the people about their enforcement case concerns rather than just determining themselves what EPA thinks they need, as they historically have done.

In the area of climate change, they’ll be targeting cases with greenhouse gas-related requirements and a ban on importing hydrofluorocarbons. Climate-focused mitigation and resilience will be a part of the efforts. For example, taking a look at situations like floods where there are chemical plants in floodplains or where sewer systems could have major overflows.

**National Compliance Initiatives**

National Compliance Initiatives are set goals that follow a certain process and include the states. Because of this, they are much harder to change from administration to administration. Some of these have been initiatives for the past 2 years, but give an idea of certain targets of inspections.

***RCRA Air***

This is hazardous waste emissions via air, where there are regulations related to the quantity of VOCs emitted. This is for facilities with tanks, surface impoundments and valves. Inspectors have started making a concerted effort to look at these during their inspections and it’s one of the lesser items focused on by some facilities. Right now 30% of facilities being inspected are not complying with this part of the regulation, and the fines can be $255,000. *(iSi will be writing an article about RCRA Air in the near future – stay tuned!)*

***Chemical Accident Reduction – RMP***

EPA will be checking that Risk Management Plans are in place and implemented properly for those that are required to have them. This is related to Clean Air Act section 112(r) for the prevention of accidental releases of chemicals. Facilities that store and handle large quantities of listed regulated substance in a process, over certain threshold amounts. EPA inspection data is showing that 50-75% of facilities are not complying fully with RMP.

***Creating Cleaner Air for Communities and Drinking Water***

We listed these 2 initiatives together because they will be treated similarly under the umbrella of EJ. Making air and water cleaner has always been a goal, but considering the EOs, a focus on issues with public water systems, lead-based paint and air emissions from inner-city factories helps EPA accomplish more than one goal. Plus those kinds of issues will affect a large amount of people at once. It becomes a more bang for their buck item, so to speak.

***Mobile Source Aftermarket Defeat Devices***

EPA is looking to conduct enforcement on companies who make, develop and sell aftermarket devices that bypass, defeat or renders inoperative any emission control device in order to enhance engine performance. Examples would be plates that partially block a portion of exhaust gas stream, kits that enable the removal of the catalytic converter or the diesel particulate filter or tuners that stop signals from going to the vehicle’s computer that usually would turn on the check engine light or put the vehicle in limp mode. EPA’s news updates have been announcing fines for a number of companies recently for violations so this initiative is up and running.

***NPDES Permit Compliance***

EPA is looking to reduce the significant non-compliance they’re seeing with National Pollutant Discharge Elimination System (NPDES) permits. In an EPA memo to regional administrators regarding this initiative, they identified they wanted to reduce the non­compliance baseline rate by 50% by the end of FY 2022, while assuring that the worst violators are timely and appropriately addressed.

EPA wants its regions and states to work together. Each state’s rate will be looked at as will its approaches (past and future) to reduce the non-compliance rate, the completeness and accuracy of its compliance data (and why it’s wrong/missing), and how and when they plan on addressing the more severe non-compliance violations.

Over 60% of the non-compliance is attributed to “non-receipt” of Discharge Monitoring Reports (DMRs). Interestingly, EPA speculates that some of this isn’t all about companies not turning in their reports, but the way the states communicate or handle getting the information into the EPA’s tracking system. However, make sure you get your DMRs in as this is something that’s on the radar.

If any of these initiatives can be tied back to those EOs, then all the better for EPA and their compliance goals. For example, in the press release announcing a settlement for one of the companies found selling mobile defeat devices, part of the settlement was for the company to “…replace 3 school busses in a Columbus, OH in the areas of environmental justice concern.” In that same release, the regional administrator said she was “…pleased that the settlement will reduce the impact of pollution in already overburdened neighborhoods.”

**EJScreen**

EPA has a screening and mapping tool to help them identify areas that may be candidates for environmental justice-related consideration, outreach or programs. EJScreen is considered to be “…a consistent tool that can be used by EPA, its governmental partners and the public to understand environmental and demographical characteristics of locations throughout the United States.”

EJScreen was actually developed in 2010 as a response to an Executive Order by the Clinton Administration. It is geared to help users identify areas with minority/low income populations, potential environmental quality issues and places where environmental and demographical indicators are greater than usual. EPA plans to use EJScreen to implement permitting, enforcement, compliance, outreach and enhance geographically-based initiatives. Facilities who lie within an EJScreen target area will be the ones who will receive the most inspections.

Check out EJScreen at: <https://ejscreen.epa.gov/mapper/>.

**Other Areas**

Other compliance hot topic/focus areas mentioned on EPA’s radar include:

* Children’s health, mainly related to lead
* Generators without proper status/notifications
* Asphalt plants using mine tailings from CERCLA sites
* PFAS
* “Recycling” facilities
* Coal combustion residuals
* Potential return of supplemental environmental projects
* EPA budget and staffing

Do you see any issues here that may be affecting your company? Or are you unsure which ones may affect you? [Contact iSi today](https://isienvironmental.com/contact-us/) for EPA and state environmental compliance assistance and advice!

EPA Reinforces State's Authority Over Oklahoma Environmental Compliance

A recent Supreme Court case regarding legal jurisdiction and Native American tribal lands has extended itself to environmental regulations compliance authority in the state of Oklahoma.

**Native Lands Still Native**

It all started when Patrick Murphy, a descendent of Native Americans, committed murder in 2015 within the Muscosgee reservation territory.  He argued to the courts that the Oklahoma Enabling Act of 1906 never disestablished the territories of the Five Civilized Tribes.   Because of this, he should have been prosecuted by federal courts and not the state of Oklahoma courts.  That is, the state courts should have no jurisdiction over Native Americans on federal reservations.  The 10th Circuit Court agreed with Murphy and it was ultimately appealed to the Supreme Court.  In 2020, the Supreme Court agreed that the territories had not been disestablished, giving more power to the tribes.

The territories involved in this case make up the eastern half and some of southern Oklahoma, including Tulsa.  The ruling means the state of Oklahoma would have no criminal jurisdiction over Native Americans within the reservations.  Federal regulations still need to be enforced within these lands and major crimes like murder would be charged federally, but the tribes could prosecute all other Native American crimes in their own courts.

The court ruling led to a lot of concern not only about the ramifications to major crimes committed in these territories, but the legal impact to environmental regulations, taxation and other regulations on reservation lands.

**Oklahoma Petitions EPA**

Seeing the potential for a wide variety of environmental rules being affected, the potential for inconsistent standards and efforts, and the overall impact to Oklahoma businesses, the Governor of Oklahoma wrote a request letter to EPA in July 2020.  In the letter, he asked that the state be authorized to continue to regulate environmental compliance throughout this territory.  The state agencies currently involved in overseeing environmental regulations are the Oklahoma Department of Environmental Quality, the Oklahoma Department of Agriculture, Food and Forestry, the Oklahoma Water Resources Board and the Oklahoma Corporation Commission.

On October 1, 2020, EPA approved this request and gave the state authority to continue its efforts in overseeing any of the programs it currently oversees in those areas.  EPA will continue to oversee the state of Oklahoma's programs as it does many states.

**Tribal Reaction**

The tribes are not happy with this decision.  Cherokee Nation Principal Chief Chuck Hoskin, Jr. said "[The governor’s decision] ignores the longstanding relationships between state agencies and the Cherokee Nation. All Oklahomans benefit when the tribes and state work together in the spirit of mutual respect and this knee-jerk reaction to curtail tribal jurisdiction is not productive.” [Taken from The Oklahoman, Oct. 6]

It's unlikely this is the last we'll hear of this issue and it may not be a done deal yet.  The tribes may have a course of action to take EPA to court for not fully consulting with them prior to the decision per EPA's Policy on Consultation or Coordination with Indian Tribes, or with the government-to-government consultation with affected tribes requirement per Executive Order 13175.

**EPA Adds Chemical 1-BP to Clean Air Act’s Hazardous Air Pollutants List**

EPA has added 1-bromopropane (1-BP), aka n-propyl bromide, to its list of hazardous air pollutants under the Clean Air Act. This is the first time since 1990 that EPA has added a chemical to the list from a petition request.

The CAS number for 1-BP is 106-94-5.

**How is 1-BP Used?**

1-BP is found in products for the following applications:

* Adhesive sprays
* Solvent sprays for asphalt production, aircraft maintenance, and synthetic fiber manufacturing
* Vapor and immersion degreasers for cleaning plastics, metals, electronic components and optical components
* Dry cleaning
* Spot removers
* Coin cleaners
* Paintable mold release products
* Automotive refrigerant flushes
* Lubricants

**Which EPA Compliance Obligations Will This Affect?**

Since the change is part of the Clean Air Act, you will need to take note that this will affect the following EPA reports and permits:

* [SARA 313, Form R Toxic Release Inventory](https://isienvironmental.com/index.php/tri-form-r-blog/)
* Air Emissions Permits
* [EPCRA Tier II Report](https://isienvironmental.com/index.php/epcra-tier-ii-blog/)

You should also now start tracking the quantities purchased and used to help you with these reports.

**What is the Hazard?**

1-BP can be inhaled as a vapor or mists of spray and can also be absorbed through skin contact. It is colorless with a sweet odor. It can cause irritation of the eyes, nose and throat, and can damage the nervous system. Women of childbearing age are cautioned that prolonged exposure can cause developmental and reproductive effects. Extreme cases can cause kidney and liver issues as well as neurological issues such as dizziness, loss of consciousness, slurred speech, confusion, twitching and difficulty walking.

Some people have experienced symptoms with use as little as 2 days, but most cases have effects after long-term exposure.

**Make Sure You Know Your Exposures**

If your company is using products with 1-BP, please make sure you are conducting industrial hygiene sampling of your employees and their usage of 1-BP to identify what their exposures are. The American Conference of Governmental Industrial Hygienist’s (ACGIH) threshold limit value for 1-BP is a very low 0.1 ppm, so any exposures over that will require respiratory protection.

iSi has conducted 1-BP sampling for two of our clients within the past year. Each were using vapor degreasers with 1-BP in them. Exposures measured at 3.74 ppm for one company and 49.5 ppm for another. These were very well above the recommended 0.1 ppm and each company needed to change protocols to get the exposures down.

**PPE and Administrative Controls**

Besides respiratory protection when limits are over the thresholds, both EPA and OSHA recommend usage of chemical protective gloves/clothing and eye protection when handling 1-BP.

OSHA has specific recommendations for eliminating the hazard altogether through isolation, ventilation and other engineering controls. Some administrative controls they recommend include reducing both the time and number of workers exposed to the chemical, purchasing and storing the least amount possible and keeping containers closed between use.

Because of the hazard, there are other products now on the market that can be used for the same functions that do not have 1-BP in them.

Get 1-BP fact sheets on the [EPA website here](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/fact-sheet-1-bromopropane-1-bp) and on the [OSHA website here](https://www.osha.gov/dts/hazardalerts/1bromopropane_hazard_alert.html) to learn more.

**Questions?**

If your company is using 1-BP and you have questions on how it will affect your compliance reporting and tracking obligations, we can help! [Email us](mailto:feedback@isienvironmental.com?subject=1-BP%20Question) or contact us by phone.

**Environmental Audit Document Review Information**

**Revision - 1-20-2023**

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| --- | --- | --- | --- |
| **General Information** | |  | |
| 1. Project Number | |  | |
| 1. Audit Date(s) | |  | |
| 1. Facility Name | |  | |
| 1. Facility Address | |  | |
| 1. North American Industrial Classification System code(s) (NAICS) | |  | |
| 1. Standard Industrial Classification code(s) (SIC) | |  | |
| 1. Description of business and operations | |  | |
| 1. Number of employees including temporary employees | |  | |
| 1. Shift Schedules | |  | |
| 1. Facility Environmental Representatives | |  | |
| 1. Audit Report Address to: | |  | |
| 1. Maps of Facility | |  | |
| 1. Any previous EPA/State/Local citations? | |  | |
| **Topic** | **Chapters** | | **Regulation Citation** |
| Air | Chapter I – Subchapter C – Air Programs | | 40 CFR 50-98 |
| SPCC | Chapter I – Subchapter D – Water Programs | | 40 CFR 112 – Oil Pollution Prevention |
| Stormwater | Chapter I – Subchapter D – Water Programs | | 40 CFR 122 – National Pollutant Discharge Elimination System |
| RCRA | Chapter I – Subchapter I – Solid Waste | | 40 CFR 239-279 |
| AST/UST | Chapter I – Subchapter I – Solid Waste | | 40 CFR 280-282 (UST’s) *AST’s are State and Local* |
| EPCRA | Chapter I – Subchapter J – Superfund, Emergency Planning, and Community Right-to-Know Programs | | 40 CFR 370 |
| TRI | Chapter I – Subchapter J – Superfund, Emergency Planning, and Community Right-to-Know Programs | | 40 CFR 372 |
| Wastewater | Chapter I – Subchapter N – Effluent Guidelines and Standards | | 40 CFR 400-471 |
| TSCA | Chapter I – Subchapter R – Toxic Substances Control Act | | 40 CFR 700-799 |
| DOT HazMat | Subtitle B – Other Regulations Relating to Transportation | | 49 CFR 100-180 |

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| **Employee Environmental Training** | Air permit | Wastewater | Storm Water (SWPPP) (1 yr) | SPCC (1 yr) | UST Operator (4 yr) | RCRA (1 yr) | DOT HazMat (3 yr) |
| **Employee Name** |
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| **Emergency Planning and Community Right to Know (EPCRA) SARA 312 (Tier II) – 40 CFR 370** | **Yes/No/NA** | **Comments** |
| Requirement applies to the owner or operator of any facility that is required under regulations implementing the Occupational Safety and Health Act of 1970, to prepare or have available a Safety Data Sheet (SDS) for a hazardous chemical present at the facility.  Excluded: (40 CFR 370.13)  Section 311(e) of EPCRA excludes the following substances:  (a) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.  (b) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.  (c) Any substance to the extent it is used:  (1) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;  (2) In a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual;  (3) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.  Owners or operators of facilities that have chemical substances on hand in quantities that are subject to reporting under Section 312 of EPCRA must submit Kansas Tier II forms by March 1 of each year. If new chemical substances that require reporting are brought on site, then an update is required within 2 months for Section 302 extremely hazardous substance reporting and within 3 months for Section 311 inventory reporting (*370.33*). The Kansas Tier II hard copy form can be used to update, by marking the appropriate box(es) in section 5 of the form (312, 311, 302; annual or revision; identical to last year).  Section 312: Annual Tier II report  Section 311: One-time notification of inventory list with mixture component information form.  Section 302: One time notification of EHS(s) and facility emergency coordinator.  REPORTING THRESHOLDS  Minimum thresholds have been established for Tier I/Tier II reporting in 40 CFR part 370.  370.14(c) - do not have to count a hazardous chemical present in a mixture if the concentration is less than or equal to 1%, or less than or equal to 0.1% for a carcinogenic chemical.  These thresholds are as follows:   * For Extremely Hazardous Substances (EHSs) designated under EPCRA Section 302 the reporting threshold is 500 pounds (or 227 kg.) or the threshold planning quantity (TPQ), whichever is lower. (EHSs and their TPQs are listed in 40 CFR part 355, Appendix A and Appendix B). * For gasoline (all grades combined) at a retail gas station, the threshold level is 75,000 gallons (or approximately 283,900 liters), if the tank(s) was stored entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281. * For diesel fuel (all grades combined) at a retail gas station, the threshold level is 100,000 gallons (or approximately 378,500 liters), if the tank(s) was stored entirely underground and the tank(s) was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281. * For all other hazardous chemicals for which facilities are required to have or prepare a SDS, the minimum reporting threshold is 10,000 pounds (or 4.540 kg.)   Note: A retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public for motor vehicle use on land.   * You need to report hazardous chemicals that were present at your facility at any one time during the previous calendar year at levels that equal or exceed these thresholds. * The Tier I form contains general information on hazardous chemicals at the facility. The Tier II form contains specific information on hazardous chemicals present at the facility.   Sand, gravel, clay, salt, or brine are reportable under Section 312; however, no fees are associated with these “hazardous” substances. (Sand or cement powder can be dangerous to the human respiratory system and asphyxiate people if a large cloud envelopes them.) | | |
| 1. Store more than 500 lbs of extremely hazardous substances (EHS)? |  |  |
| 1. Store more than 10,000 lbs of hazardous substance (HS)? |  |  |
| 1. Evaluation done to justify reporting / not-reporting? |  |  |
| 1. Submittal by March 1 to: |  |  |
| * 1. State emergency response commission? |  |  |
| * 1. Local emergency planning committee? |  |  |
| * 1. Fire department with jurisdiction? |  |  |
| Top 100 most reported Tier II substances in IL, MN, OR, WA, WI (2015)   |  |  |  |  |  | | --- | --- | --- | --- | --- | | 11,034 Lead Acid Batteries | 573 Asphalt Cement | 324 Isopropyl Alcohol | 186 Ferric Chloride | 136 Calcium Hypochlorite | | 7,069 Diesel Fuel | 562 Helium | 323 Potassium Chloride | 184 Acetic Acid | 132 Ammonium Thiosulfate | | 3,503 Gasoline | 519 Lube Oil | 307 Toluene | 183 Dimethoate | 130 Force 3G | | 2,918 Oxygen | 491 Methanol | 291 Calcium Hydroxide | 183 Fly Ash | 129 Durango Dma | | 2,493 Fuel Oil | 488 Surestart | 286 Aluminum Oxide | 183 Sulfuric Acid | 125 Copper | | 2,367 Nitrogen | 485 Glyphosate | 275 Hydrogen Peroxide | 182 Motor Oils | 125 Iron | | 2,164 Argon | 483 Limestone | 263 Gasoline | 180 Diammonium Phosphate | 122 Freon 22 | | 2,090 Lead | 477 GramoxoneInteon | 263 Sulfur | 180 Glycol Ether Eb | 121 Ammonium Polyphoshate | | 1,997 Motor Oil | 475 Calcium Chloride | 254 Monoammonium Phosphate | 172 Activated Carbon | 119 – Fly Ash | | 1,797 Sodium Hydroxide | 474 Ethanol | 251 Titanium Dioxide | 171 Hydrofluorosilicic Acid | 118 Calcium Nitrate | | 1,096 Carbon Dioxide | 463 Roundup Powermax | 249 Aluminum Sulfate | 168 Citric Acid | 118 Diuron 80 Df | | 941 Sodium Chloride | 437 Phosphoric Acid | 248 Acetone | 167 Mineral Oil | 118 Salvo | | 879 Sand | 425 Paint | 245 Grease | 161 Styrene | 118 Weedar 64 | | 834 Urea | 417 Crude Oil | 227 Dielectric Oil | 158 Aluminum | 118 Zp Rodent Bait | | 802 Ethylene Glycol | 408 Atazine 4L | 227 Halex GT | 158 Transformer Oil | 117 Compressed Air | | 771 Sodium Hypochlorite | 381 Propylene Glycol | 226 Lime | 149 Methyl Ethyl Ketone | 116 Carbon Black | | 696 Kerosene | 361 Potassium Hydroxide | 223 Xylene | 149 Mineral Oil | 114 Thionex 3Ec | | 691 Portland Cement | 349 Soda Ash | 212 Sodium Bisulfite | 143 Diesel Fuel Mixture | 112 Calcium Carbonate | | 682 Ammonium Sulfate | 330 Ammonium Nitrate | 200 Lumax | 137 Kaolin Clay | 112 Phenol | | 611 Diesel Fuel | 327 Ammonium Hydroxide | 195 Lorsban 15G | 137 Paint Thinner | 112 - Zinc | |  |  |  |  |  |   Indiana – Must include site plan (map) with report including:   * Location of chemicals, street intersections, floorplan, legible labels, and map legend including cardinal directions.   Ohio – Complete report must include   1. Facility identification form 2. Emergency and Hazardous Chemical Inventory form(s) 3. A Facility Map (Ohio EPA has specific requirements to follow) 4. Filing fees for a calendar year | | |
| **SARA 313 – Toxic Release Inventory (TRI) – 40 CFR 372** | **Yes/No/NA** | **Comments** |
| Initial regulation came out in 1986.  Approximately 300 facilities in Kansas report each year. More than 21,000 facilities in USA report.  In general, chemicals covered by the TRI Program are those that cause:   * Cancer or other chronic human health effects * Significant adverse acute human health effects * Significant adverse environmental effects   There are currently 767 individually listed chemicals and 33 chemical categories covered by the TRI Program.  TRI does not contain information on quantities of chemicals contained in products that are sold to customers.  A facility that meets all of the following criteria for a calendar year is a covered facility for that calendar year and must report:  **(a)** The facility has 10 or more full-time employees. If, during the reporting year, the total number of hours worked by full-time or part-time employees including contract employees and sales and support staff working for the facility meets or exceeds 20,000 hours. The 20,000 hours is comparable to 10 full-time employees.  **(b)** The facility is in a Standard Industrial Classification (SIC) (as in effect on January 1, 1987) major group or industry code listed in §372.23(a), for which the corresponding North American Industry Classification System (NAICS) (as in effect on January 1, 2017, for reporting year 2018 and thereafter) subsector and industry codes are listed in §§372.23(b) and 372.23(c) by virtue of the fact that it meets one of the following criteria:  (1) The facility is an establishment with a primary SIC major group or industry code listed in §372.23(a), or a primary NAICS subsector or industry code listed in §372.23(b) or §372.23(c).  (2) The facility is a multi-establishment complex where all establishments have primary SIC major group or industry codes listed in §372.23(a), or primary NAICS subsector or industry codes listed in §372.23(b) or §372.23(c).  (3) The facility is a multi-establishment complex in which one of the following is true:  (i) The sum of the value of services provided and/or products shipped and/or produced from those establishments that have primary SIC major group or industry codes listed in §372.23(a), or primary NAICS subsector or industry codes listed in §372.23(b) or §372.23(c) is greater than 50 percent of the total value of all services provided and/or products shipped from and/or produced by all establishments at the facility.  (ii) One establishment having a primary SIC major group or industry code listed in §372.23(a), or a primary NAICS subsector or industry code listed in §372.23(b) or §372.23(c) contributes more in terms of value of services provided and/or products shipped from and/or produced at the facility than any other establishment within the facility.  **(c)** The facility manufactured (including imported), processed, or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in §372.25, §372.27, §372.28, or §372.29.  Form A may be used if:   * NOT a chemical of special concern (e.g. Persistent Bioaccumulative Toxic - PBT); and * Do NOT exceed 1,000,000 pounds of the toxic chemical manufactured, processed, or otherwise used alternate threshold; and * Do not exceed 500 pounds for the total annual waste management (i.e. releases including disposal, recycling, energy recovery, and treatment)   Must maintain records and calculations used to determine Form A eligibility.  PBTs at 100 lbs – Aldrin, Lead (not contained in stainless steel, brass, or bronze alloy), Lead compounds, Methoxychlor, Pendimethalin, Polycyclic aromatic compounds (PACs), Tetrabromobisphenol, Trifluralin.  PBT’s at 10 lbs – Benzo[g,h,i]perylene, Chlorodane, Heptachlor, Hexachlorobenzene, Isodrin, Mercury, Mercury Compounds, Octahlorosytrene, Pentachlorobenzene, Polychlorinated biphenyls (PCB’s), Toxaphene.  PBT’s at 0.1 grams – Dioxin and Dioxin-like compounds.  Exemptions   * Most chemicals have *de minimis* value of 1.0%, while OSHA-defined carinogens are 0.1%. *De minimis* exemption does NOT generally apply to manufacturing or chemicals of special concern. * Article   + Formed into a specific shape or design during manufacture   + Has end-use functions dependent in whole or in part on its shape or design during end-use   + Less than 0.5 lbs released during calendar year for each individual toxic chemical * Laboratory   + Sampling and analysis   + Research and development   + Quality assurance   + Quality control * “Otherwise Use”   + Motor vehicle maintenance (chemicals used to maintain vehicles operated by the facility)   + Routine janitorial or facility grounds maintenance (chemicals used for non-process related routine janitorial or facility grounds maintenance)   + Structural components (Non-process related building components)   + Personal use   + Intake water and air | | |
| 1. Manufacture or process more than 25,000 lbs?  * Electroplating – processing and manufacturing * Metal processing (dip tanks) * Metal fabrication * Mixing – air release * Painting (if staying in paint on product) * Plastics manufacturing – metal compounds * Soldering - lead * Wastewater treatment, nitric acid usage AND manufacturing nitrate compounds – transfer to POTW * Welding (heavy elemental metals)– air release * Wire harnesses – PFAS chemicals |  |  |
| 1. Otherwise use > 10,000 lbs?  * Coolants * Instapak for foam packaging (diisocyanates) * Painting (if evaporates off) * Metalworking fluids * Solvents used for cleaning |  |  |
| Lower limits for several toxic chemicals (372.28)   * Dioxin – 0.1 grams * Lead – 100 lbs (not included when contained in stainless steel, brass, or bronze alloy) * Mercury – 10 lbs * Per- and Polyfluoroalkyl substances (PFAS) – 100 lbs * Polychlorinated biphenyl (PCB’s) – 10 lbs | | |
| 1. Submittal to EPA by July 1 |  |  |
| 1. Submittal to State by July 1 with fee (if needed) |  |  |
| 1. Annual Supplier Chemical Notification (372.45) –   (1) If SIC codes are 20-39,  (2) Manufacture (including import) or process a toxic chemical on the Section 313 list, and  (3) If they sell/distribute that TRI chemical under a trade name, or sell/distribute a mixture containing one or more of those chemicals.  Rule still applies even if facility does not report for TRI. | | |
| * 1. First shipment within calendar year contains:      1. Statement there are toxic chemical(s)      2. Name and CAS number      3. Percentage by weight of each chemical |  |  |
| The chemical notification can be a letter, a label or a written notice within the shipping papers. It may accompany and be attached to the product’s SDS, but an SDS alone will not suffice if the SDS is missing the required notification information. If your SDS has the required information on it, that can be used for the first shipment. Then in subsequent years, a letter referencing the previous year’s SDS would suffice as long as the customer still has the most current version of your SDS. If an SDS is not required for your chemical, you can send the notification on a separate written notice. If you have any changes or updates to the information for the notice, you need to send out a revised notice within 30 days of that change. If find that you had errors in your notice, you’ll need to send a revised notice listing the shipment dates that the new correct data would cover. | | |
| * 1. Recordkeeping requirements (3 years)      1. Notifications sent to recipients      2. All supporting material used to develop the notice      3. If using trade secret, a record why |  |  |

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| --- | --- | --- | --- | --- | --- |
| **Air Permitting – 40 CFR 50-98** | **Yes/No/NA** | | **Comments** | | |
| 1. Potential-to-emit calculations done?   Emission units of aircraft depainting, boilers, emergency generators, fire water pumps (diesel), flares, hand wiping of parts with solvent, natural gas emission units (heaters, air makeup, water heaters), liquid storage vessels, mixing rooms (paint), ovens (natural gas), paint booths, sandblasting booths, solvent cleaners / parts washers, spray gun cleaning dip tanks, welding emissions. | | | | | |
| 1. Initial permit request to State?   **Minor** – “True minor source” means a source that emits, or has the potential to emit, regulated New Source Review (NSR) pollutants in amounts that are less than the major source thresholds under either the Prevention of Significant Deterioration (PSD) program at 40 CFR 52.21, or the Major NSR program for Nonattainment Areas in Indian Country at 40 CFR 49.166 through 49.173, but equal to or greater than the minor NSR thresholds in § 49.153, without the need to take an enforceable restriction to reduce its Potential to Emit (PTE) to such levels. The PTE includes fugitive emissions, to the extent that they are quantifiable, only if the source belongs to one of the 28 source categories listed in part 51, Appendix S, paragraph II.A.4(iii) or § 52.21(b)(1)(iii) of 40 CFR, as applicable.  **Synthetic Minor –** means a source that otherwise has the potential to emit regulated NSR pollutants in amounts that are at or above the thresholds for major sources in 40 CFR 49.167, 40 CFR 52.21 or 40 CFR 71.2, as applicable, but has taken a restriction so that its PTE is less than such amounts for major sources. Such restrictions must be enforceable as a practical matter (as defined in 40 CFR 49.152).  **Major Source** – PTE greater than 100 tons VOC’s, 25 tons for HAP’s, or 10 tons for single HAP. Must obtain a Title V operating permit. Lower thresholds apply in non-attainment areas (but only for the pollutant that are in non-attainment). | | | | | |
| * 1. Construction permits for new or modified sources? |  | |  | | |
| * 1. Operating permit for existing facility? |  | |  | | |
| Section 111 of the Clean Air Act authorizes the EPA to develop technology based standards which apply to specific categories of stationary sources. The NSPS apply to new, modified and reconstructed affected facilities in specific source categories such as manufacturers of glass, cement, rubber tires and wool fiberglass.   1. New Source Performance Standards (NSPS) (40 CFR 60) – **71 NSPS standards**   **4I** (2005) – Standard for Compression Ignition (diesel) stationary engine constructed after July 11, 2005.  **4J** (2006) – Standard for Spark Ignition (gas including natural gas, landfill gas, gasoline, propane, etc.) stationary engine constructed after June 12, 2006. Construction date is the date the engine is ordered by the owner/operator. Applies to emergency generators (40 CFR 60.4237). |  | |  | | |
| National Emission Standards for Hazardous Air Pollutants (NESHAP) – Title III of 1990 Clean Air Act to reduce HAP’s through Maximum Achievable Control Technology (MACT). “Once In Always In” policy was withdrawn 1-25-2018 allowing major sources to be able to reclassify as area sources if reducing their PTE below threshold limits.   1. Any MACT initial submittals to State and EPA? (40 CFR 63) – **138 MACT standards**   **N** (1995) – Standard to limit the discharge of chromium compound air emissions from existing and new hard chromium electroplating, decorative chromium electroplating, and chromium anodizing tanks at major and area sources.  **2G** (1995) – Aerospace Manufacturing and Rework Facilities. Applies to major sources.  **2J** (1995) – NESHAP for existing and new wood furniture manufacturing operations located at major sources.  **4M** (2004) – Miscellaneous Metal Parts and Products Surface Coating. Applies to new and existing major source facilities applying a protective, decorative, or functional coating to metal parts of items such as railcars, steel drums, construction equipment, iron and steel pipe, structural steel, extruded aluminum products, motorcycles, musical instruments.  **4P** (2004) – Plastic Parts Surface Coating. Applies to new and existing major source facilities that apply a protective, decorative, or functional coating to a plastic substrate. Includes paints, stains, sealers, topcoats, basecoats, primers, inks, and adhesives.  **4W** (2003) – Reinforced Plastic Composites Production. Applies to major sources that produce a variety of reinforced plastic products, including fiberglass bath tubs and showers, automobile and recreational vehicle parts, storage tanks, and engine and tool covers.  **4Z** (2004) – NESHAP for stationary reciprocating internal combustion engines (RICE). Applies to stationary new and existing emergency and non-emergency engines and both major and area sources.  **5D** (2013)– Boiler MACT – cover boilers and process heaters at major sources of HAP’s (Title V) that burn coal, oil, biomass, natural gas, and other solid, liquid and gaseous non-waste materials. Does NOT apply if burning solid waste.  **6C** (2006) – Applies to new and existing gasoline dispensing facilities (GDF) that are area sources.  **6H** (2007) – Paint stripping using methylene chloride, spraying coatings to motor vehicles and mobile equipment, spraying of chromium, lead, manganese, nickel, or cadmium.  **6J** (2011) – Boiler MACT for area (minor) sources that burn coal, oil, or biomass, but not boilers that burn only gaseous fuels or any solid waste.  **6W** (2008) – Does not apply to major sources. Tanks / processes that contain or use cadmium, chromium, manganese, nickel, or lead in   * Non-cyanide electroplating and electroforming (pH <12) and electropolishing * Cyanide plating (pH >12) * Electroless plating * Other coating such as chromium conversion coating * Thermal spraying * Dry mechanical polishing * 0.1% by weight for cadmium, chromium, lead or nickel. 1.0% for manganese. Weight applies to the metal itself only (not compound), *63.11505(d)(6)*   **6X** (2008) – NESHAP for area sources that are in nine metal fabrication or finishing operations that use or emit cadmium, chromium, lead, manganese, and nickel.   * 0.1% for cadmium, chromium, lead or nickel. 1.0% for manganese. Weight of metal only (not metal compound) * Maintenance welding not regulated. *63.11514(f)* | |  |  | | |
|  | | | | | |
| 1. Emission Inventory Tracking Requirements (5 years)  * Criteria Pollutants * Maintenance of control equipment |  | |  | | |
| 1. Opacity observations? *(40 CFR 60-62)* |  | |  | | |
| **Method 9** – Quantitative test, observer needs to be trained and certified “smoke school.” Re-certification for field observations every 6 months. Lecture portion is every 3 years but may vary by State. *60* *Appendix A-4*  **Method 22** – Established in 1982, Qualitative test, observer does not need to be certified but needs training and knowledge that comes from EPA Publication No. EPA-340/1-75-007, EPA Publication No. EPA-650/4-74-005i, or from the lecture portion of the Method 9 certification course. Used only to determine presence or absence of visible emissions. *60 Appendix A-7* | | | | | |
| 1. Record Requirements (5 years) |  | |  | | |
| 1. Reporting Requirements  * Annual * Semi-annual |  | |  | | |
| 1. N NESHAP Requirements |  | |  | | |
| * 1. Operation and Maintenance Plan – Shall include specific criteria for operation and maintenance, air pollution control devices, process and control system monitoring equipment, and standardized checklist to document operation and maintenance. Needs procedures to prevent malfunctions or other preventable conditions, systemic procedure to identify malfunctions, and housekeeping procedures. *40 CFR 63.342(f)(3)* |  | |  | | |
| * 1. If actions taken during malfunction are inconsistent with procedures, shall record actions and notify by phone within 2 working days. Report shall be followed with letter within 7 working days. *40 CFR 63.342(f)(3)(iv)* |  | |  | | |
| * 1. Operation and maintenance revisions must be kept for 5 years. *40 CFR 63.342(f)(3)(iv)* |  | |  | | |
| * 1. Initial compliance – Must conduct initial performance test (unless meeting certain criteria). *40 CFR 63.343(b)(1)* |  | |  | | |
| * 1. Notification – Construction or reconstruction requires EPA notification for all sources. *40 CFR 63.345(b)(1)* |  | |  | | |
| * 1. Records – Must retain records for 5 years including: inspections, maintenance, malfunctions, checklists, tests, monitoring, etc. *40 CFR 63.346(b)* |  | |  | | |
| * 1. Initial notification – Must notify within 120 days after (all) source(s) is (are) subject. *40 CFR 63.347(c)* |  | |  | | |
| * 1. Notification of performance test – Shall notify EPA at least 60 days before test to allow observer from EPA to be present. *40 CFR 63.347(d)* |  | |  | | |
| * 1. Notification of compliance status – required each time site is subject. *40 CFR 63.347(e).* |  | |  | | |
| * 1. Reports of performance test – Must be submitted within 90 days following completion to EPA. *40 CFR 63.347(f)(2)* |  | |  | | |
| * 1. Major Sources – Compliance report frequency varies based on monitoring results, sent to EPA. *40 CFR 63.347(g)* |  | |  | | |
| * 1. Area Sources – Annual compliance report retained onsite. *40 CFR 63.347(h)(1)* |  | |  | | |
| 1. 4Z NESHAP Requirements (Emergency Generators). Different requirements for (1) area and major sources, (2) emergency v. non-emergency, and also (3) size of engine based on horsepower. Need to look up individually. *40 CFR 63.6580-6675* |  | |  | | |
| Combustion Ignition (CI) Requirements (diesel fuel) |  | |  | | |
| * 1. Changing oil and filter every 500 hours or annually? |  | |  | | |
| * 1. Inspect spark plugs every 1,000 hours or annually? |  | |  | | |
| * 1. Inspect hoses and belts every 500 hours or annually? |  | |  | | |
| * 1. Maintenance checks and readiness checks allowed for 100 hours/year. No time limit on use in emergency situations, but need to maintain records on length of operation and the reason. |  | |  | | |
| * 1. Initial notification? (only certain parameters) |  | |  | | |
| Spark Ignition (SI) – gaseous fuels e.g. natural gas, propane, and gasoline |  | |  | | |
| 1. 6H NESHAP Requirements |  | |  | | |
| * 1. Initial notification of applicability and notification of compliance to EPA and/or State (possible for regional EPA to waive dual requirement) *40 CFR 63.11175(a)* |  | |  | | |
| * 1. Initial (within 180 days) and 5 year refresher training on spray gun equipment, spray techniques, maintenance, and environmental compliance. *40 CFR 63.11173(e)(1)* |  | |  | | |
| * 1. Install/operate filter technology with at least 98% capture efficiency. *40 CFR 63.11173(e)(2)* |  | |  | | |
| * 1. Spray-applied coatings must be applied with a high volume, low pressure (HVLP) spray gun or equivalent technology (>60%) *40 CFR 63.11173(e)(3)* |  | |  | | |
| * 1. Paint spray gun cleaning must be done so that an atomized mist or spray of the solvent isn’t created outside a container. *40 CFR 63.11173(e)(4)* |  | |  | | |
| 1. 6W NESHAP requirements |  | |  | | |
| * 1. Initial notification of applicability and notification of compliance to EPA and/or State (possible for regional EPA to waive dual requirement) *40 CFR 63.11509* |  | |  | | |
| * 1. Prepare an annual certification of compliance report according to 40 CFR 63.11509(c)(1) through (7). These reports do not need to be submitted unless a deviation from the requirements of this subpart has occurred during the reporting year, in which case, the annual compliance report must be submitted along with the deviation report *40 CFR 63.11509(c)* |  | |  | | |
| * 1. Any deviations from the compliance requirements specified in this subpart occurred during the year, you must report the deviations, along with the corrective action taken, and submit this report to the delegated authority *40 CFR 63.11509(d)* |  | |  | | |
| 1. Risk Management Planning (RMP) (40 CFR 68)  * For stationary sources that use beyond the threshold quantity on 77 toxic chemicals or 63 flammable chemicals. * Three levels of RMP programs based on OSHA’s Process Safety Management (PSM) regulation 29 CFR 1910.119. | | | | | |
| * 1. Registered via submission of RMPlan every 5 years? |  | |  | | |
| * 1. Compile and submit 5-year accident history? |  | |  | | |
| * 1. Determine worst-case scenario and document results? |  | |  | | |
| * 1. Response actions coordinated with local emergency response? |  | |  | | |
| 1. Ozone Depleting Substances (ODS) (40 CFR 82) – certain synthetic chemicals including chlorofluorocarbons (CFC’s), halons, and hydrochlorofluorocarbons (HCFC’s) used as refrigerants, solvents, and insulating foams. | | | |  |  |
| * 1. Technicians servicing AC and refrigeration equipment must pass an EPA-approved examination. |  | |  | | |
| 4 levels of certification and it does not expire.   1. Servicing small appliances (Type I) 2. Servicing and disposing of high or very high-pressure appliances, except small appliances and motor vehicle air conditioner (Type II) 3. Servicing and disposing of low-pressure appliance (Type III) 4. Servicing all types of equipment (Universal) | | | | | |
| * 1. AC and refrigeration equipment with more than 50 lbs or more of ODS subject to requirements for leak repair. |  | |  | | |
| Trigger rates for 12-month period: Industrial process refrigeration 30%, Commercial refrigeration 20%, Comfort Cooling 10%, and all other appliances 10%. If exceeding rate must either:   * Repair leaks within 30 days or * Develop, within 30 days, a plan to retrofit or retire the appliance and complete actions within 1 year | | | | | |
| 1. Green House Gas Reporting Program (GHGRP) Applicability (40 CFR 98)  * In response to the FY2008 Consolidated Appropriations Act (H.R. 2764; Public Law 110-161), EPA issued the Greenhouse Gas Reporting Rule (74 FR 56260) which requires reporting of greenhouse gas (GHG) data and other relevant information from large sources and suppliers in the United States. * A total of 41 categories of reporters are covered by the GHGRP. Facilities determine whether they are required to report based on the types of industrial operations located at the facility, their emission levels, or other factors. Facilities are generally required to submit annual reports under Part 98 if:   + GHG emissions from covered sources exceed 25,000 metric tons CO2e per year.   + Supply of certain products would result in over 25,000 metric tons CO2e of GHG emissions if those products were released, combusted, or oxidized.   + The facility receives 25,000 metric tons or more of CO2 for underground injection. * Assumed to be below threshold if the maximum-rated heat-input capacity for all stationary fuel combustion equipment combined is less than 30 million British thermal units (MMBtu) per hour. * Approximately 7,600 facilities are required to report their emissions annually. Total reported emissions from these facilities are about 3 billion metric tons CO2e, which is about 50 percent of total U.S. GHG emissions. Additional GHGs are accounted for by approximately 1,000 suppliers. In total, data covering 85-90 percent of U.S. GHG emissions are reported. * Reports due March 31st each year | | | | | |

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| **Wastewater – 40 CFR 400-471** | | | | | | | | | | | **Yes/No/NA** | | **Comments** | | | |
| |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | **Category** | **40 CFR** | **Initial** | **Last** | **Category** | **40 CFR** | **Initial** | **Last** | **Category** | **40 CFR** | **Initial** | **Last** | | Airport Deicing | 449 | 2012 | 2012 | Ferroalloy Manufacturing | 424 | 1974 | 1974 | Organic Chemicals, Plastics, and Synthetic Fibers | 414 | 1987 | 1993 | | Aluminum Forming | 467 | 1983 | 1988 | Fertilizer Manufacturing | 418 | 1974 | 1975 | Paint Formulating | 446 | 1975 | 1975 | | Asbestos Manufacturing | 427 | 1974 | 1975 | Glass Manufacturing | 426 | 1974 | 1975 | Paving and Roofing Materials | 443 | 1975 | 1975 | | Battery Manufacturing | 461 | 1984 | 1986 | Grain Mills | 406 | 1974 | 1974 | Pesticide Chemicals | 455 | 1978 | 1996 | | Canned and Preserved Fruits and Vegetables Processing | 407 | 1974 | 1976 | Gum and Wood Chemicals Manufacturing | 454 | 1976 | 1976 | Petroleum Refining | 419 | 1974 | 1982 | | Canned and Preserved Seafood (Processing) | 408 | 1974 | 1975 | Hospitals | 460 | 1976 | 1976 | Pharmaceutical Manufacturing | 439 | 1976 | 2003 | | Carbon Black Manufacturing | 458 | 1976 | 1978 | Ink Formulation | 447 | 1975 | 1975 | Phosphate Manufacturing | 422 | 1974 | 1974 | | Cement Manufacturing | 411 | 1974 | 1974 | Inorganic Chemicals Manufacturing | 415 | 1982 | 1982 | Photographic | 459 | 1976 | 1976 | | Centralized Waste Treatment | 437 | 2000 | 2003 | Iron and Steel Manufacturing | 420 | 1974 | 2005 | Plastics Molding and Forming | 463 | 1984 | 1984 | | Coal Mining | 434 | 1975 | 2002 | Landfills | 445 | 2000 | 2000 | Porcelain Enameling | 466 | 1982 | 1985 | | Coil Coating | 465 | 1982 | 1983 | Leather Tanning and Finishing | 425 | 1982 | 1996 | Pulp, Paper, and Paperboard | 430 | 1974 | 2002 | | Concentrated Animal Feeding Operations | 412 | 1974 | 2008 | Meat and Poultry Products | 432 | 1974 | 2004 | Rubber Manufacturing | 428 | 1974 | 1974 | | Concentrated Aquatic Animal Production | 451 | 2004 | 2004 | Metal Finishing | 433 | 1983 | 1986 | Soap and Detergent Manufacturing | 417 | 1974 | 1975 | | Construction and Development | 450 | 2009 | 2014 | Metal Molding and Casting (Foundries) | 464 | 1985 | 1985 | Steam Electric Power Generating | 423 | 1974 | 2020 | | Copper Forming | 468 | 1983 | 1986 | Metal Products and Machinery | 438 | 2003 | 2003 | Sugar Processing | 409 | 1974 | 1984 | | Dairy Products Processing | 405 | 1974 | 1974 | Mineral Mining and Processing | 436 | 1975 | 1979 | Textile Mills | 410 | 1974 | 1982 | | Dental Office | 441 | 2017 | 2017 | Nonferrous Metals Forming and Metal Powders | 471 | 1985 | 1989 | Timber Products Processing | 429 | 1974 | 1981 | | Electrical and Electronic Components | 469 | 1983 | 1983 | Nonferrous Metals Manufacturing | 421 | 1976 | 1990 | Transportation Equipment Cleaning | 442 | 2000 | 2000 | | Electroplating | 413 | 1974 | 1983 | Oil and Gas Extraction | 435 | 1975 | 2016 | Waste Combustors | 444 | 2000 | 2000 | | Explosives Manufacturing | 457 | 1976 | 1976 | Ore Mining and Dressing | 440 | 1975 | 1988 |  |  |  |  | | | | | | | | | | | | | | | | | |
| 1. Discharges to Surface Water? | | | | | | | | | | |  | |  | | | |
| 1. Written approval from Publicly Owned Treatment Works (POTW) for discharge or permit? *403.5(b) and (c)* | | | | | | | | | | |  | |  | | | |
| 1. Backflow prevention device testing? *State and local* | | | | | | | | | | |  | |  | | | |
| 1. Sampling completed – Quarterly / Monthly / Daily? | | | | | | | | | | |  | |  | | | |
| 1. Self-Monitoring Reports (SMR) – 180-day *403.12(e)* | | | | | | | | | | |  | |  | | | |
| * 1. Submitted within 28 days? *403.12(b)* | | | | | | | | | | |  | |  | | | |
| * 1. If violations, is user notifying Control Authority within 24 hours and resampling within 30 days? *403.12(g)(2)* | | | | | | | | | | |  | |  | | | |
| * 1. Signature of authorized representative? *403.12(l)* | | | | | | | | | | |  | |  | | | |
| 1. If subject to the Metal Finishing Standard, the most recent copy of a Solvent Management Plan (SMP) or the required sampling results for Total Toxic Organics (TTO). *433.12* | | | | | | | | | | |  | |  | | | |
| 1. Safety Data Sheets (SDSs) for chemicals used in regulate process that is being permitted. | | | | | | | | | | |  | |  | | | |
| 1. If applicable, a schematic of any treatment system on-site showing designated sampling locations (outfalls). | | | | | | | | | | |  | |  | | | |
| 1. A copy of the latest Spill Control Plan if a significant industrial users. *403.8(f)(2)(vi)*    1. Description of discharge practices, including non-routine batch discharges.    2. Description of stored chemicals    3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 403.5(b)    4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response | | | | | | | | | | |  | |  | | | |
| 1. Maintain all records for 5 years? | | | | | | | | | | |  | |  | | | |
| 1. Field Lab Accreditation – Chlorine, dissolved oxygen, pH, sulfite, temperature, turbidity. *K.A.R. 28-15-36a* | | | | | | | | | | |  | |  | | | |
| Indiana – None  Kansas – Chlorine, dissolved oxygen, pH, sulfite, temperature, turbidity.  Missouri – None  North Carolina – Total residual chlorine, dissolved oxygen, pH, specific conductance, temperature, setteable residue, free available chlorine, sulfite, salinity, turbidity, VAR Options 5, 6, 12. (Annual fee) | | | | | | | | | | | | | | | | |
| * 1. Initial and 3-yr renewal to State with fee? | | | | | | | | | | |  | |  | | | |
| * 1. Maintaining personnel files (recommend min. 2 people)? *K.A.R. 28-15-36a(h)* | | | | | | | | | | |  | |  | | | |
| * 1. Maintaining original paperwork? | | | | | | | | | | |  | |  | | | |
| * 1. Manual of equipment on file? | | | | | | | | | | |  | |  | | | |
| * 1. No expired chemicals or buffer solutions? | | | | | | | | | | |  | |  | | | |
| * 1. Proper storage of probes? | | | | | | | | | | |  | |  | | | |
| * 1. Using different lot numbers for pH 7 solutions (calibrate and check)? Must be ± 0.1 pH for NPDES compliance monitoring. | | | | | | | | | | |  | |  | | | |
| * 1. Quality Assurance *K.A.R. 28-15-36a(f)*      1. SOP for collection, analysis, reporting, and data handling?      2. Calibrating equipment each day used?      3. Calibration verified with a quality control standard?      4. Each aliquot of a solution used for calibration and quality control used only once? | | | | | | | | | | |  | |  | | | |
| * 1. Documenting records related for compliance for 5 years? *K.A.R 28-15-36a(g)(1)*      1. Calibration and/or standardization information      2. Quality controls, including standards and duplicates      3. Calculations      4. Sampling and analytical information      5. Reports | | | | | | | | | | |  | |  | | | |
| * 1. Documenting sampling and analytical data *K.A.R 28-15-36a(g)(2)*      1. Both date/time sample taken and time measurement taken? Must be within 15 minutes.      2. Name of person collecting sample      3. Name of analyst.      4. Type of analysis, method used, and results | | | | | | | | | | |  | |  | | | |

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| **Stormwater – 40 CFR 122 (National Pollutant Discharge Elimination System (NPDES)** | **Yes/No/NA** | **Comments** |
| Industrial activity. *122.26(b)(14)(i)-(xi)*  Category One (i): Facilities subject to federal stormwater effluent discharge standards at 40 CFR Parts 405-471  Category Two (ii): Heavy manufacturing (e.g., paper mills, chemical plants, petroleum refineries, steel mills and foundries)  Category Three (iii): Coal and mineral mining and oil and gas exploration and processing  Category Four (iv): Hazardous waste treatment, storage, and disposal facilities  Category Five (v): Landfills, land application sites, and open dumps with industrial wastes  Category Six (vi): Metal scrapyards, salvage yards, automobile junkyards, and battery reclaimers  Category Seven (vii): Steam electric power generating plants  Category Eight (viii): Transportation facilities that have vehicle maintenance, equipment cleaning, or airport deicing operations  Category Nine (ix): Treatment works treating domestic sewage with a design flow of 1 million gallons a day or more  Category Ten (x): Construction sites that disturb 5 acres or more (permitted separately)  Category Eleven (xi): Light manufacturing (e.g., food processing, printing and publishing, electronic and other electrical equipment manufacturing, public warehousing and storage) *(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25;* | | |
| 1. Notice of Intent (NOI) for discharges or No-Exposure certification sent to State? *122.21* |  |  |
| No Exposure. Must answer “no” to all questions:   1. Using, storing, or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater. 2. Materials or residuals on the ground or in stormwater inlets from spills/leaks. 3. Materials or products from past industrial activity. 4. Material handling equipment (except adequately maintained vehicles). 5. Materials or products during loading/unloading or transporting activities. 6. Materials or products stored outdoors (except final products intended for outside use (e.g. new cars) where exposure to storm water does not result in the discharge of pollutants). 7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers. 8. Materials or products handled/stored on roads or railways owned or maintained by the discharger. 9. Waste material (except waste in covered, non-leaking containers (e.g. dumpsters)). 10. Application or disposal of process wastewater (unless otherwise permitted). 11. Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e. under an air quality control permit) and evident in the storm water flow. | | |
| 1. Re-notification of No Exposure completed?    1. Arkansas – annual - $200    2. Kansas – annual – no fee    3. Illinois – 5 years – no fee    4. Indiana – 5 years – no fee, uses federal EPA form    5. Missouri – 5 years – no fee    6. Ohio – 5 years    7. Tennessee – 5 years, no fee   Federal requirement is 5 years. Form is not transferable between owners. If new ownership, must submit new form. |  |  |
| 1. Stormwater Pollution Prevention Plan (SWPPP) developed and updated? *(KS – within 10 months of NOI authorization)* |  |  |
| * 1. Contact information up to date? *KS-2.4.1* |  |  |
| * 1. Authorized signature for certification of non-stormwater discharge (KS) ? *KS-2.4.3(g)* |  |  |
| * 1. Detailed site map including outfalls and drainage? *KS-2.4.2* |  |  |
| * 1. List of significant spills for last 3 years? |  |  |
| * 1. Plan completion form sent to State when updating plan? (KS) |  |  |
| 1. Annual Reporting / Fees?    1. Arkansas - $200 annually    2. Indiana - $50 initial and $100 annual    3. Kansas - $60 annually    4. Missouri - $200 annually |  |  |
| 1. Training Requirements (annual)? *KS-2.4.3(e)* |  |  |
| 1. Inspection Requirements (3 year retention) |  |  |
| * 1. Annual (actual discharge) *KS-2.4.5* |  |  |
| * 1. Semi-Annual – varies by State |  |  |
| * 1. Quarterly *KS-2.4.3(d)* |  |  |
| 1. Annual comprehensive evaluation completed? *KS-2.4.4* |  |  |
| 1. All records maintained for at least 3 years? |  |  |
| Recommendation – Have P.E. or consultant create SWPPP. *KS-2.3.*  Some states offer free templates such as Michigan, Missouri, and Ohio. | | |

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| **Solid Wastes - Resource Conservation and Recovery Act (RCRA) - 40 CFR 239-279** | **Yes/No/NA** | **Comments** |
| 260 – General hazardous waste management systems  261 – Identification and listing of hazardous waste  262 – Standards applicable to generators of hazardous waste  263 – Standards applicable to transporters of hazardous waste  264 – Standards for owners/operators of hazardous waste treatment, storage, and disposal (TSD) facilities  265 – Interim status standards for owners/operators of hazardous waste treatment, storage, and disposal (TSD) facilities  268 – Land disposal restrictions (LDRs)  273 – Standards for universal waste management  279 – Standards for the management of used oil  Only Alaska and Iowa are not authorized to administer RCRA in their state and follow federal program.   * Kansas   + 4 generator classes (LQG, SQG, KSQG, CESQG)   + CESQG and KSQG storage containers must be marked “hazardous waste”   + CESQG are not allowed to use satellite containers.   + Allows 55-gallons **per waste stream** in satellite areas (federal is 55-gallons total)   + Allows “day” containers of <6 gallons   + Requires monthly inspections for CESQG and KSQG’s   + SQG’s and KSQG’s must complete initial training within 6 months (CESQG are still exempt) * Arkansas   + SQG’s have annual monitoring and inspection fee.   + LQG’s must do an annual report instead of only biennial.   + Specifically excludes broken and crushed lamps from being managed as universal waste   + Includes “consumer electronic items” into universal waste category * California   + Satellite accumulation limited to 1 year   + No sewer exclusion   + More universal wastes   + Toxicity characteristics include – copper, zinc, fluorides, nickel, etc.   + Corrosivity characteristic includes solid materials   + No conditionally exempt small quantity generator relief (either small or large quantity) * Colorado   + SQG’s must do initial training (performance based) and refresher training is only recommended.   + SQG’s must self-certify annually in the spring.   + LQG’s must training both on-the-job and classroom   + Requires accumulations containers to be moved to storage within **24** hours when 55-gallon limit is reached.   + May manage electronic waste as either hazardous waste or universal waste * Indiana   + SQG’s and LQG’s must submit annual reports by March 1st summarizing hazardous waste shipped from previous calendar year.   + Annual $1,565 free for SQG’s and LQG’s generated on June 15th and due within 30 days of mailing. * Michigan   + Additional characteristics waste category of “severely toxic” with 1 ppm or more of material listed in Table 202 of Part 111 rules – carry an “S” code similar to listed hazardous wastes   + Waste minimization requirements for SQG’s   + Requirements for VSQG’s and SQG’s for closures of accumulation areas in Act 451   + Trainers of LQG employees must show significant experience in hazardous waste management.   + Electronics can be managed as universal waste * Missouri   + LQG’s must submit quarterly report within 45 days after quarter ends   + SQG’s must submit annual report based on fiscal year (July 1 – June 30)   + Can use “Missouri Option” on satellite accumulation to allow 55-gallons of each waste stream in satellite area * Nebraska   + Electronic wastes are grouped into universal wastes if they would be hazardous waste * Ohio   + Ignitable/reactive waste containers can’t be stored within 50 feet for SQG’s *(Rule 3745-55-76)*   + Universal waste (2017) includes antifreeze, non-empty aerosol containers, and spent paint and paint related wastes * Oklahoma (both requirements below ended 7-1-2021)   + *LQG’s must submit quarterly reports within 60 days after quarter ends (no fee)*   + *LQG’s must have disposal plan (continuous or one-time)* * Texas   + Paint and paint related waste regulated as universal waste   + Non-hazardous Industrial waste classified     - Class 1 – May pose a substantial present or potential danger to human health or the environment (considered special waste)     - Class 2 – Less threatening to human health and environment     - Class 3 – inert and essentially insoluble waste   + State waste codes – 8 character made up of 4 digit sequence number, 3 digit form code, and 1 digit classification     - Sequence number – assigned by generator (combination of numbers and letters)     - Form code – general type of waste generated (see RG-022 publication)     - Classification code – H, hazardous waste; 1, 2 or 3 for industrial waste classes   + CESQG must obtain solid waste generation number if generating >220 lbs per month of Class 1 industrial waste and must report on Class 1 waste to TCEQ on annual waste summary   + SQG’s and LQG’s must obtain a Texas solid-waste registration number and report hazardous and Class 1 industrial wastes on an annual waste summary report (use State of Texas Environmental Electronic Reporting System (STEERS))   + SQG’s required to prepare a 5-year Pollution Prevention Plan under the Waste Reduction Policy Act ( WRPA) | | |
| 1. Generator Status and current notification to State? (LQG, SQG) *262.13* |  |  |
| 1. Waste determinations and analytical data. *262.11* |  |  |
| 1. Documents kept on record for 3 years including waste determinations, training, inspections, manifests (initial and final), State submittals. |  |  |
| 1. Training – SQG’s (some states) and LQG’s within 180 days and annually thereafter. |  |  |
| 1. Containers |  |  |
| * 1. Satellite containers in 55-gallons or less and under control of operator? *262.15* |  |  |
| * 1. Container managed as storage container within 3 calendar days of being full? *262.15(a)(6)* |  |  |
| * 1. Accumulation start date on each storage container? |  |  |
| * 1. Marked with “hazardous waste”? |  |  |
| * 1. Marked with hazard identification? |  |  |
| * 1. All containers in good condition and compatible with waste? |  |  |
| * 1. All containers closed? |  |  |
| * 1. Tanks require **daily** inspections. |  |  |
| 1. VSQG’s <220 lbs/mo (federal) (storing less than 2,200 lbs) |  |  |
| * 1. No satellite accumulation containers (all considered storage in KS)? |  |  |
| 1. SQG’s between 220 and 2,200 lbs (storing less than 13,200 lbs) |  |  |
| * 1. Annual hazardous waste report to State by April 1 (KS only) |  |  |
| * 1. Not storing containers more than 180 days? (270 days if transporting more than 200 miles) *262.16(b)* |  |  |
| * 1. Weekly documented inspections? *262.16(b)(2)(iv)* |  |  |
| * 1. Required equipment *262.16(b)(8)(ii)*      1. Internal communications or alarm systems.      2. Telephone or hand-held two-way radio capable of summoning emergency assistance.      3. Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment.      4. Water at adequate volume and pressure |  |  |
| * 1. Arrangements with police, fire, hospitals, contractors, and other emergency response agencies (Preparedness and Prevention Plan)? *262.16(b)(8)(vi)* |  |  |
| * 1. Emergency Coordinator within 30 mins? *262.16(b)(9)(i)* |  |  |
| * 1. Training on Preparedness and Prevention Plan to employee’s responsibilities in emergencies? |  |  |
| * 1. Emergency information **posted** next to at least one telephone or programmed into cell phone *OR* in areas directly involved in the generation and accumulation of hazardous waste? *262.16(b)(9)(ii)*      1. Name and emergency telephone number of emergency coordinator      2. Location of fire extinguishers and spill control equipment and fire alarm if present      3. Telephone of fire department, unless facility has direct alarm |  |  |
| * 1. Employees **trained** on proper waste handling and emergency procedures relevant to their responsibilities? *262.16(b)(9(iii)* |  |  |
| 1. LQG’s - >2,200 lbs/mo (storing more than 13,200 lbs) |  |  |
| * 1. Are storage containers kept for no longer than 90 days on-site? *262.17(a)* |  |  |
| * 1. Weekly documented inspections of storage containers? *262.17(a)(1)(v)* |  |  |
| * 1. Storage containers not holding ignitable (D001) or reactive (D003) waste within 50 feet of property line or written approval from AHJ giving exemption? *262.17(a)(1)(vi)(A)* |  |  |
| * 1. Are “no smoking” signs posted near ignitable or reactive wastes? *262.17(a)(1)(vi)(B)* |  |  |
| * 1. Job descriptions for handlers of hazardous waste? Must include skill, education, or other qualification, and duties of facility personnel assigned to each position. *262.17(a)(7)(iv)* |  |  |
| * 1. Submitting re-notification of LGQ status by March 1 in even-numbered years (may submit with biennial report)? *262.18(d)(2)* |  |  |
| * 1. Annual hazardous waste report to State by March 1? (KS only) |  |  |
| * 1. Biennial report completed for odd-numbered years by March 1 in even-numbered years? *262.41* |  |  |
| * 1. Are the following items available? 262.252      1. Internal communications or alarm systems.      2. Telephone or hand-held two-way radio capable of summoning emergency assistance.      3. Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment.      4. Water at adequate volume and pressure |  |  |
| * 1. Contingency Plan? *262.260(a)*      1. Describes arrangements with police, fire, emergency response teams, hospitals, and LEPC’s. *262.261(c)*      2. Names and phone numbers of emergency coordinators. *262.261(d)*      3. List of emergency equipment including location, physical description, and brief outline of capabilities *262.261(e)*      4. Evacuation plan including signals to be used, and routes. *262.261(f)* |  |  |
| * 1. Quick Reference Guide? *262.262(b)*      1. Types/names of hazardous waste in layman’s terms an associated hazards      2. Estimated maximum amount of each waste      3. Identification of any hazardous waste that requires unique or special treatment      4. Map showing locations of generation, accumulation, treatment and routes for access      5. Street map of facility in relation to surrounding businesses, schools, and residential areas      6. Locations of water supply (fire hydrants, etc.)      7. Identification of on-site notification systems      8. Name of emergency coordinator and telephone number |  |  |
| * 1. Copies of contingency plan sent to police, fire, hospitals, contractors, and other emergency response agencies? *262.262(a)* |  |  |
| * 1. Contingency plan updated when: *262.263*      1. Regulations change      2. Plan fails in emergency      3. Facility changes in design, construction, operation, maintenance, or other circumstances      4. List of emergency coordinators changes      5. List of emergency equipment changes   All *revisions* need to be sent out, even if not significant change |  |  |
| * 1. Emergency Coordinator available at all times and within 30 mins? *262.264* |  |  |
| * 1. Emergency information posted next to at least one telephone or programmed into cell phone? |  |  |
| * 1. If plan was used, did generator submit notification to State within 15 days? *262.265(i)* |  |  |
| 1. Land Disposal Restrictions |  |  |
| * 1. One-time written notice for each waste stream to each TSD facility and have a copy on file? *268.7(a)* |  |  |
| Universal Waste – Batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans.  \*\*Paint and Paint Related Waste – Only Texas, Ohio, and New Jersey currently allow management as universal waste.  Small generator – accumulates less than 5,000 kg at any time  Large generator – accumulates more than 5,000 kg at any time | | |
| 1. Universal Waste - Small generator    1. No notification requirement *273.12*    2. Label and mark to identify type of waste *273.14*    3. Accumulation no more than 1 year. *273.15*       1. Mark container       2. Mark each individual items       3. Maintain inventory system that tracks each waste       4. Maintain inventory system that shows earliest date of any waste       5. Placing in accumulation area and identifying earliest date of any waste       6. Any other method that can demonstrate length of time    4. Informing employees who handle waste? Must describe proper handling and emergency procedures. *273.16*    5. Sending waste only to universal waste handler, destination facility or a foreign destination? 2*73.18*    6. No requirements to keep records of shipments. *273.19* |  |  |
| 1. Universal Waste – Large generator (>5,000 kg accumulation) *273.9*    1. Written notification to State (Regional Administrator) *273.32*    2. Label and mark to identify type of waste  *273.34*    3. Accumulation no more than 1 year. 273.35(a)       1. Mark container       2. Mark each individual items       3. Maintain inventory system that tracks each waste       4. Maintain inventory system that shows earliest date of any waste       5. Placing in accumulation area and identifying earliest date of any waste       6. Any other method that can demonstrate length of time    4. Employees thoroughly familiar with proper waste handling and emergency procedures? *273.36*    5. Sending waste only to universal waste handler, destination facility or a foreign destination? *273.38(a)*    6. Keeping record of each shipment received (log, invoice, manifest, bill of lading, movement document or other shipping document). *273.39(a)*    7. Keeping record of each shipment sent (log, invoice, manifest, bill of lading, movement document or other shipping document). *273.39(a)*    8. Keeping records of shipments for 3 years? *273.39(c)* |  |  |
| 1. Used Oil    1. Oil stored in containers that are in good condition and not leaking? *279.22(b)*    2. Containers and tanks labeled “used oil”? *279.22(c)*    3. Generator must use oil transporter with EPA ID number unless: *279.24*       1. Self-transportation to approved aggregate point or collection center          1. Company vehicles or personal employee vehicle          2. No more than 55 gallons at any time          3. Registered, licensed, permitted, or recognized collection center       2. Tolling arrangement – if oil is reclaimed under a contractual agreement in which reclaimed oil is returned back to processor/re-refiner. |  |  |
| Excluded Solvent Contaminated Wipes (2014)   |  |  |  | | --- | --- | --- | |  | **Reusable Wipes** | **Disposable Wipes** | | **Regulation** | 40 CFR 261.4(a)(26)  (Solid Waste Exclusion) | 40 CFR 261.4(b)(18)  (Hazardous Waste Exclusion) | | **Description** | Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes, provided the conditions of the exclusion are met. | Solvent-contaminated wipes that are sent for disposal are not hazardous wastes, provided the conditions of the exclusion are met. | | **Includes** | - Wipes containing one or more F001-F005 listed solvents listed in § 261.31 or the corresponding P- or U- listed solvents found in § 261.33, including:  - Acetone - Isobutyl alcohol  - Benzene - Methanol  - n-Butanol - Methyl ethyl ketone  - Chlorobenzene - Methyl isobutyl ketone  - Creosols - Methylene chloride  - Cyclohexanone - Tetrachloroethylene  - 1,2-Dichlorobenzene - Toluene  - Ethyl acetate - 1,1,2- Trichloroethane  - Ethyl benzene - Trichloroethylene (\*For reusable wipes only.)  - 2-Ethoxyethanol - Xylenes  - Wipes that exhibit a hazardous characteristic resulting from a solvent listed in part 261.  - Wipes that exhibit only the hazardous characteristic of ignitability when containing one or more non-listed solvents. | | | **Does NOT include** | * Wipes that contain listed hazardous waste other than solvents. * Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents. | * Wipes that contain listed hazardous waste other than solvents. * Wipes that exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents. * Wipes that are hazardous waste due to the presence of trichloroethylene. | | Wipes that have been in contact with solvent (other than listed above) where the solvent has been consumed during use may be discarded as normal trash. Examples include ethanol or isopropyl alcohol wipes where the ethanol or IPA has been consumed during use and the wipe is dry at the time of disposal. | | | **Storage** | Wipes must be accumulated, stored, and transported in non-leaking, closed containers  that can contain free liquids, should they occur. | | | **Labeling** | Containers must be labeled “Excluded Solvent-Contaminated Wipes.” | | | **Accumulation Time Limits** | Generators may accumulate wipes up to 180 days from the start date of accumulation  prior to being sent for cleaning or disposal. | | | **Recordkeeping** | Generators must maintain documentation that includes:   * name and address of the laundry, dry cleaner, landfill, or combustor * documentation that the 180-day accumulation time limit is being met * description of the process the generator is using to meet the “no free liquids” condition. | | | **Condition of Wipes Prior to Transport** | Wipes must contain no free liquids prior to being sent for cleaning or disposal and there  may not be free liquid in the container holding the wipes.  “No free liquids” condition is defined in 40 CFR 260.10 and is based on the EPA Methods  Test 9095B (Paint Filter Liquids Test) or other authorized state standard. | | | **Management of Free Liquids** | Free liquids removed from the wipes or from the wipes container must be managed according to applicable hazardous waste regulations in 40 CFR parts 260 through 273. | | | **Eligible Handling Facilities** | Must go to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act. | Must go to a combustor regulated under section 129 of the Clean Air Act or to a hazardous waste combustor, boiler, or industrial furnace regulated under 40 CFR parts 264, 265, or 266 subpart H.  Must go to a municipal solid waste landfill regulated under 40 CFR part 258 (including §258.40) or to a hazardous waste landfill regulated under 40 CFR parts 264 or 265. | | **Storage at Handling Facilities** | Must store wipes in non-leaking, closed containers that are labeled “Excluded Solvent-  Contaminated Wipes.” Containers must be able to contain free liquids should they occur. | | | **Management of Free Liquids by Handling Facilities** | Free liquids removed from the wipes or from the container holding the wipes must be managed according to applicable hazardous waste regulations in 40 CFR parts 260 through 273. | | | | |
| Recommendations   * Annual review of waste streams – used for TSDF facilities. Most TSDF’s use an annual frequency in their written waste analysis plan to validate waste stream are accurate. *40 CFR 264.13 and 268.7* | | |

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| **Spill Prevention Control and Countermeasures (SPCC) – 40 CFR 112** | **Yes/No/NA** | **Comments** |
| 1. Store above ground > 1,320 gallons of oil  * Only containers ≥ 55 gallons * Includes oil-filled operational equipment * Inference that all products that can cause sheen on water are considered oil containers * Must use total container capacity and just not oil percentage   Oil defined in 40 CFR 112.2 (if it can cause a sheen on water, it is considered an oil) |  |  |
| 1. Store below ground > 42,000 gallons of oil |  |  |
| 1. Has reasonable expectation of discharge to navigable waters in quantities that may be harmful? |  |  |
| Reasonable expectation of discharge:   * Based solely upon consideration of the geographical and locational aspects of the facility *112.1(d)(1)(i)* * Can not consider constructed features, such as dikes, equipment, or other manmade structures that prevent, contain, hinder, or restrain a discharge as described in 112.1(b)   Navigable waters:   * As defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters. * Interstate waters. * Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes. * Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.   Quantities that may be harmful:   * Causes a sheen or discoloration on the surface of the water or adjoining shorelines. * Causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines; or * Violates an applicable water quality standard. | | |
| 1. Facility Response Plan (FRP) Applicability *112.20(f)*   1 - Has a total oil storage capacity greater than or equal to 42,000 gallons and it transfers oil over water to/from vessels; or  2 - Has a total oil storage capacity greater than or equal to 1 million gallons and meets one of the following conditions:  a. Does not have sufficient secondary containment for each aboveground storage area.  b. Is located at a distance such that a discharge from the facility could cause "injury" to fish, wildlife, and sensitive environments.  c. Is located at a distance such that a discharge from the facility would shut down a public drinking water intake.  d. Has had, within the past five years, a reportable discharge greater than or equal to 10,000 gallons.  Facilities that could cause "significant and substantial harm" are required to have their plans approved by an EPA Regional Administrator (RA). ~250 facilities within EPA Region 7 (KS, NE, IA, MO) | | |
| 1. Written FRP updated and sent to EPA? *40 CFR 112.20(a)* |  |  |
| 1. Emergency Response Action Plan (ERAP) maintained at front of FRP or as a separate document? *40 CFR 112.20(h)(1)* |  |  |
| 1. Quarterly Qualified Individual (QI) drill? At least one quarter must be outside business hours. |  |  |
| 1. Annual spill management tabletop exercise? |  |  |
| 1. Semi-Annual equipment deployment exercise? |  |  |
| 1. Records kept for 5 years? *(different than SPCC)* |  |  |
| 1. SPCC Plan   **Tier I Qualified**– Less than 10,000 gallons total storage, no individual containers more than 5,000 gallons, no discharge to waters exceeding 1,000 gallons, and no two discharges within 12 months exceeding 42 gallons each. (Self-certified) *112.3(g)(1)*  **Tier II Qualified** – Less than 10,000 gallons total storage with one container greater than 5,000 gallons, no discharge to waters exceeding 1,000 gallons, and no two discharges within 12 months exceeding 42 gallons each. (Self-certified) *112.3(g)(2)*  **PE Certified (Non-qualified)** – All other plans and anytime exceeding 10,000 gallons. *112.3(d)* | | |
| * 1. Approval signature on plan and for applicability of the Substantial Harm Criteria checklist? *(112.7)* |  |  |
| * 1. PE stamp on non-qualified plans? *(112.3(d))* |  |  |
| * 1. Contact information up to date? |  |  |
| * 1. Emergency coordinators up to date? |  |  |
| * 1. Plan updated with 6 months of additional oil storage? *(112.5(a))* |  |  |
| * 1. Facility diagram in plan contains all requirements? *112.7(a)(3)*      1. AST’s, including location and contents      2. UST’s, including location and contents. Includes both those subject to SPCC and exempt      3. Storage area(s) where mobile and portable containers are located      4. Transfer stations such as oil transfer areas including loading / unloading racks or areas      5. Oil-filled equipment such as hydraulic operating systems or manufacturing equipment (including location and contents)      6. Oil-filled electrical transformers, circuit breakers, or other equipment (including location and contents)      7. Connecting piping (if the scale of drawing permits)      8. Oil pits or ponds (at oil production facilities)      9. Oil production facility stock tanks, separation equipment and produced water containers      10. Any other bulk storage or oil-filled operational equipment at an oil production facility      11. Flowlines and intra-facility gathering lines at a production facility   Recommendation to including:   * AST capacities and/or tank identification numbers or letters * Secondary containment structures * Storm drain inlets and surface waters that could be affected * Direction of flow in the event of a discharge * Legend that indicated scale and identifies symbols * Location of response kits or containment * Location of firefighting equipment and pipe stands * Location of valves or drainage system * Location of important piping appurtenances * Compass direction indicating north * Topographical information and area maps |  |  |
| 1. Plan reviewed within 5 years? *(112.5(b))* |  |  |
| 1. Frequent visual inspections completed, usually monthly but can be less frequent? (Must follow written procedures. 3 year retention requirement) *(112.7(e))* |  |  |
| 1. Annual facility inspections completed? *(112.7(e))* |  |  |
| 1. Integrity testing on bulk storage containers? (Steel Tank Institute) *112.8(c)(6)* |  |  |
| 1. Documentation on draining stormwater from secondary containment structures? |  |  |
| 1. Training completed?  * Initial *112.7(f)(1)*   + Operation and maintenance of equipment to prevent discharges   + Discharge procedure protocols   + Applicable pollution control laws, rules, and regulations   + General facility operations   + Contents of SPCC plan * Annual *112.7(f)(3)*   + Briefing to understand SPCC plan   + Describe known discharges, failures, malfunctioning components, and recently developed precautionary measures |  |  |
| 1. Spills reported to State/EPA? |  |  |
| **State Rules**  Arizona – None  Arkansas - None  California – “Aboveground Petroleum Storage Act” (APSA) includes petroleum only at any location (navigable waters does not apply)  Connecticut - None  Florida – None  Illinois – None  Indiana - None  Kansas – None  Michigan – None, but have state specific requirement with Pollution Incident Prevention Plan (PIPP)  Minnesota - Yes  Missouri – None, but the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects (APEPLSPLA) has concluded that preparation and self-certification of SPCC plans are engineering responsibilities that must be performed by licensed professional engineers (PEs). Consequently, SPCC plans for Tier I or Tier II qualified facilities may not be self-certified and must be sealed by a Missouri PE unless they are created by federal employees on federal lands. The federal government may apply different standards to its employees.  North Carolina – None  Ohio – None  Oklahoma – None  Pennsylvania – Established state spill prevention response plan (SPRP) to all above ground facilities containing regulated substances, including petroleum, with capacity >21,000 gallons.  Texas – Yes | | |

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| **Storage Tanks – Aboveground and [Underground – 40 CFR 280]** | **Yes/No/NA** | **Comments** |
| 1. Registration and permit fees with State? |  |  |
| AST’s – No federal requirement, regulated by the States  Arkansas – Combined capacity (joined by common piping and located in tandem) between 1,320 to 40,000 gallons of that is used to contain or dispense motor fuels, distillate special fuels, or other refined petroleum products. Does not include mobile storage tanks or those used in the production of petroleum or natural gas. $75 annual registration fee per tank. Certificate of registration must be posted in a conspicuous place at each registered facility.  California – Applies to petroleum tanks or containers > 55-gallons with more than 1,320 gallons of total oil storage at any one site (aligns with SPCC rule). Also applies to facilities with <1,320 gallons of petroleum if they have one or more stationary tanks in an underground area (TIUGA). Under authority of CAL FIRE-Office of the State Fire Marshall (OSFM).  Connecticut – No requirements  Florida – 550 gallons  Illinois – Bulk liquid storage tanks containing flammable or combustible liquids > 110 gallons need permit to install by Office of Illinois State Fire Marshall (OSFM), but not registration.  Indiana – No specific requirements for petroleum products. The Office of Indiana State Chemist (OISC) regulates ASTs that store fertilizers in excess of 2,500 undivided gallons or 7,500 gallons total, and pesticides in excess of 55 gallons\*.  Kansas – 660 gallons containing petroleum product fuels, flammable or combustible liquids, liquid hazardous substances in CERCLA 302.4, and used oil.  Michigan – Any flammable and combustible liquid with flash point less than 200 degrees Fahrenheit regulated, but only permit and registration needed for >1,100 gallons in size  Missouri - Missouri has adopted National Fire Protection Association (NFPA) Codes 30, 30A, and 58, which govern aboveground storage tank (AST) design and installation. MDA's Division of Weights and Measures administers the state fire code regulations. Department of Agriculture has Petroleum/Propane/Anhydrous Ammonia Program. DNR does not regulate the operation of AST’s. However, DNR does regulate and provide oversight for investigating and remediating, or cleaning up, petroleum releases caused by leaking ASTs. The Petroleum Storage Tank Insurance Fund (PSTIF) administers the PSTIF, providing insurance for AST owners and operators and funds for AST site cleanup.  North Carolina – 21,000 gallons at oil terminal facilities only.  Ohio - regulated under the Ohio Fire Code, which is based on the Building Officials and Code Administrators (BOCA) National Fire Prevention Code. A permit is required from the state fire marshal to install, remove, repair, or modify any ASTs used for the storage of flammable or combustible liquids. Any ASTs that are no longer in use must be removed in an approved manner after a permit is obtained. No size specification.  Texas – 1,100 gallons containing petroleum products capable of propelling a motor vehicle or airplane (excluding naphtha or kerosene type jet fuel)  UST’s - All | | |
| 1. Kansas AST Compliance |  |  |
| * 1. Annual registration fees – KDHE $10 per tank due Dec 31st.   *KAR* *28-44-29* |  |  |
| * 1. Secondary containment 110% volume + 3 inches of largest tank volume? Recommend 24-hr 25-year storm event. |  |  |
| * 1. Valid permit openly displayed at the facility.   *KAR 28-44-29(b)* |  |  |
| Permits not required for temporary AST’s – either on wheels or at same physical location for less than 1 year. | | |
| 1. UST Compliance – first issued 12-23-1988. Excludes: (*K.A.R. 28-44, KS has state program approval*) – CFR updated in Oct. 2015  * Flow through process tanks * Septic tanks * Tanks with capacity of 110 gallons or less * Buried tanks field-constructed with concrete | | |
| * 1. Are UST’s compatible with substances stored? |  |  |
| * 1. Using licensed contractor to install, remove, or modify? |  |  |
| * 1. Current permits?   $25 fee per tank by April 30th (KS) *28-44-17*  Must be displayed at the facility and visible to the public *28-44-17(g)* |  |  |
| * 1. Ownership change form submitted to State if new owner? |  |  |
| * 1. Inventory control – daily each day operating, if infrequent may do monthly. |  |  |
| * 1. Corrosion protection – required on all metallic pipes and steel tanks. |  |  |
| * 1. Inspections – Since 8-8-2007 must be inspected every 3 years      1. Release Detection Equipment – annual         1. Statistical Inventory Reconciliation (SIR) is acceptable method      2. Spill buckets – 3 years      3. Overfill protection equipment – 3 years      4. Secondary containment – 3 years |  |  |
| * 1. Out-of-Service – notification to State of closure? Also need to environmental site assessment. |  |  |
| 1. UST Training   Initial – Class A&B – within 30 days, Class C prior to assuming responsibility. *280.244*  4 year refresher in Kansas. *(Stated on KDHE website, but not in statues. K.S.A 65-34,135 states KDHE must approve training program, thus authority to dictate any requirement).*  Free in the State of KS through Tank Management Services, Inc. |  |  |
| * 1. Class A - Persons having primary responsibility for on-site operation and maintenance of underground storage tank systems.      1. Need to be within 4 hours of managed facility in case of emergency |  |  |
| * 1. Class B - Persons having daily on-site responsibility for the operation and maintenance of underground storage tank systems. |  |  |
| * 1. Class C - Daily on-site employees having primary responsibility for addressing emergencies presented by a spill or release from an underground storage tank system. |  |  |

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| **Optional – Department of Transportation – 49 CFR 100-185** | **Yes/No/NA** | **Comments** |
| 1. Annual registration fees for placardable materials by July 1 - must register if you are a person who offers for transportation or transports in commerce a shipment containing any of the following categories of hazardous materials (including hazardous wastes): (107.601) 2. A [highway route controlled quantity](https://www.phmsa.dot.gov/registration/definition-registration-terms#Highway-Route-Controlled-Quantity) of a Class 7 (radioactive) material, as defined in 49 CFR 173.403. A "highway route controlled quantity" may be shipped by highway, rail, air, or water. 3. More than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material (see 49 CFR 173.50) in a motor vehicle, rail car, or freight container. 4. More than one liter (1.06 quarts) per package of a "material extremely toxic by inhalation" (that is, a "material poisonous by inhalation" that meets the criteria for "hazard zone A" as specified in 49 CFR 173.116(a) for gases or 173.133(a) for liquids). 5. A hazardous material (including hazardous wastes) in a [bulk packaging](https://www.phmsa.dot.gov/registration/definition-registration-terms#Bulk%20Packaging) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids. Please note that persons who offer or transport hazardous materials that do not require placarding (that is, Class 9 materials) in a bulk packaging with a capacity greater than 3,500 gallons or 468 cubic feet, must register. 6. A shipment in other than a [bulk packaging](https://www.phmsa.dot.gov/registration/definition-registration-terms#Bulk%20Packaging) of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous materials (including hazardous wastes) for which placarding of a vehicle, rail car, or freight container is required for that class. 7. A quantity of hazardous material that requires placarding.The offering and transporting of hazardous materials by [farmers](https://www.phmsa.dot.gov/registration/definition-registration-terms#Farmer) in direct support of their farming operations are excepted from this category of activities requiring registration. See the information on requirements for [farmers](https://www.phmsa.dot.gov/registration/definition-registration-terms#Farmer) below.   **1.1, 1.2, 1.3** – Any quantity, **1.4, 1.5, 1.6** – 1,001 lbs  **2.1, 2.2** – 1,001 lbs, **2.3** – Any quantity  **3** – 1,001 lbs (flammable liquid), **3** – In bulk (>119 gallons) (combustible liquids)  **4.1, 4.2** – 1,001 lbs, **4.3** – Any quantity  **5.1, 5.2** – 1,001 lbs  **6.1** – 1,001 lbs, **6** – other than in halation hazard zones A, B – 1,001 lbs  **7** – any quantity  **8** – 1,001 lbs  **9** – 1,001 lbs (domestic transportation is exempt)   * Must notify DOT within 30 days of changes to the company name and address. | | |
| 1. DOT Security Plan – 172.800   Each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a transportation security plan for hazardous materials that conforms to the requirements of this subpart. As used in this section, “large bulk quantity” refers to a quantity greater than 3,000 kg (6,614 pounds) for solids or 3,000 liters (792 gallons) for liquids and gases in a single packaging such as a cargo tank motor vehicle, portable tank, tank car, or other bulk container.  (1) Any quantity of a Division 1.1, 1.2, or 1.3 material;  (2) A quantity of a Division 1.4, 1.5, or 1.6 material requiring placarding in accordance with subpart F of this part;  (3) A large bulk quantity of Division 2.1 material;  (4) A large bulk quantity of Division 2.2 material with a subsidiary hazard of 5.1;  (5) Any quantity of a material poisonous by inhalation, as defined in §171.8 of this subchapter;  (6) A large bulk quantity of a Class 3 material meeting the criteria for Packing Group I or II;  (7) A quantity of desensitized explosives meeting the definition of Division 4.1 or Class 3 material requiring placarding in accordance with subpart F of this part;  (8) A large bulk quantity of a Division 4.2 material meeting the criteria for Packing Group I or II;  (9) A quantity of a Division 4.3 material requiring placarding in accordance with subpart F of this part;  (10) A large bulk quantity of a Division 5.1 material in Packing Groups I and II; perchlorates; or ammonium nitrate, ammonium nitrate fertilizers, or ammonium nitrate emulsions, suspensions, or gels;  (11) Any quantity of organic peroxide, Type B, liquid or solid, temperature controlled;  (12) A large bulk quantity of Division 6.1 material (for a material poisonous by inhalation see paragraph (5) above);  (13) A select agent or toxin regulated by the Centers for Disease Control and Prevention under 42 CFR part 73 or the United States Department of Agriculture under 9 CFR part 121;  (14) A quantity of uranium hexafluoride requiring placarding under §172.505(b);  (15) International Atomic Energy Agency Code of Conduct (IBR, see §171.7) Category 1 and 2 materials, Nuclear Regulatory Commission, Category 1 and Category 2 radioactive materials as listed in Table 1, appendix A to 10 CFR part 37, and Highway Route Controlled quantities as defined in 49 CFR 173.403.  (16) A large bulk quantity of Class 8 material meeting the criteria for Packing Group I. | | |
| 1. DOT HazMat training initial and 3 year refresher for anyone signing manifest of hazardous materials? *(Includes biohazard material, Category 6.2)*   Must include (1) General Awareness (2) Function specific (3) Safety and (4) Security awareness - 172.704 |  |  |

Emergency Response Plans for General Industry

**What Emergency Response Plans are You Required to Develop for Your Facility?**

In a review of environmental and safety regulations, you will find quite a few references to developing emergency response plans or emergency response procedures. Each one has its own purpose and its own requirements.

The following is a list of the most commonly required emergency plans, along with their standards reference and a brief description of each. Which ones apply to you?

**EPA**

**Spill Prevention, Control and Countermeasures [*40 CFR 112*]**

These plans, aka SPCC Plans, cover all types of oils, including petroleum, fuel oil, sludge, vegetable oils, mineral oils and synthetic oils.  If your facility has the capacity aboveground of 1,320 gallons or more or underground capacity of 42,000 gallons or more, you quality for this regulation. [Read more about SPCC Plans here.](https://isienvironmental.com/spcc-plan-blog/)

**Facility Response Plans [*40 CFR 112*]**

If you have over 42,000 gallons of oils and are transferring them over water to/from vessels, or if you have over 1,000,000 gallons and meet certain criteria, you are required to additionally have a Facility Response Plan, or FRP. Both the SPCC and FRP are plans from the Federal Water Pollution Control Act.

**Risk Management Plans [*40 CFR 68*]**

Risk Management Plans, or RMPs, come from the Clean Air Act. These are for facilities such as chemical manufacturers, water treatment plants, cold storage facilities, and COOPs that store regulated substances in quantities greater than listed thresholds.

**Hazardous Waste Contingency Plans [*40 CFR 262*]**

A part of the RCRA hazardous waste regulations, these plans apply to both small and large quantity generators.  The term “contingency plan” is only for large quantity generators.  Small quantity generators don’t have a similar cool term but they still need to develop emergency procedures.

**OSHA**

**Emergency Action Plans [*29 CFR 1910.138*]**

Emergency Action plans are specifically mentioned in the regulations related to confined spaces, bloodborne pathogens, fire protection, lab safety, and medical services/first aid.

At a minimum, emergency action plans (EAPs) need to include procedures for:

* Reporting a fire or other emergency;
* Emergency evacuation, including type and exit routes;
* Employees who remain to operate in critical plant operations before they evacuate;
* Accounting for all employees after evacuation;
* Employees performing rescue or medical duties; and,
* Name and job title of every employee who may be contacted by employees who need more information about the plan or their duties under the plan.

**HAZWOPER Emergency Response Plans [*29 CFR 1910.120*]**

If your company has employees assigned to respond to releases of hazardous substances at any location, at their regular work location, or from a duty station such as a fire department, fire brigade, or emergency medical service, you are required to have an emergency response plan for this. The HAZWOPER plan has also been adopted by EPA’s SARA regulations at 40 CFR 311 for state and local government employees in federal-OSHA states and their volunteers.

**Process Safety Emergency Planning [*29 CFR 1910.119*]**

Workplaces subject to OSHA’s Process Safety Management standard are required to have emergency plans. These plans are not much different than the requirements of the EAPs, but it adds in requirements for small releases. [Learn more about Process Safety Management here.](https://isienvironmental.com/what-is-psm-blog/)

**Fire Prevention Plans [*29 CFR 1910.39*]**

When an OSHA standard requires a fire prevention plan, the requirements for the plan can be found in this standard. Some of these include standards for portable fire extinguishers, ethylene oxide, methylenedianiline and 1.3-butadiene.

**OSHA Emergency Plan References for Specific Substances**

The following OSHA standards for specific chemicals/materials reference emergency procedures:

* **13 Carcinogens** [*29 CFR 1910.1003(e)(4)(ii)*] – Specific emergency procedures prescribed, posted, and employees shall be familiarized with their terms and rehearsed;
* **Vinyl chloride** [*29 CFR 1910.1017(i)*] –  A written operational plan for emergency situations shall be developed for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas;
* **Beryllium** [*29 CFR 1910.1024(m)(4)(ii)*] – Written exposure control plan which includes emergency procedures is required;
* **Cadmium** [*29 CFR 1910.1027(h)*] – Written plan required for dealing with substantial releases of airborne cadmium.
* **1,2-dibromo-3-chloropropane** [*29 CFR 1910.1044(i)(1)(i)*] – A written plan for emergency situations shall be developed for each workplace in which DBCP is present;
* **Acrylonitrile** [*29 CFR 1910.1045(i)(1)(i)*] - A written plan for emergency situations shall be developed for each workplace where liquid AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency;
* **Ethylene oxide** [*29 CFR 1910.1047(h)(1)(i)*] – A written plan for emergency situations shall be developed for each workplace where there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency;
* **Formaldehyde** [*29 CFR 1910.1048(n)(4)(i)*] – Must have written training materials available and within those training materials is a review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency;
* **Methylenedianiline** [29 CFR 1910.1050(d)(1)(i)] – A written plan for emergency situations shall be developed for each workplace where there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency; and,
* **1,3-Butadiene** [*29 CFR 1910.1051(j)*] – Emergency situations. Written plan. A written plan for emergency situations shall be developed, or an existing plan shall be modified, to contain the applicable elements specified in 29 CFR 1910.38 and 29 CFR 1910.39, "Emergency action plans" and "Fire prevention plans," respectively, and in 29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response," for each workplace where there is the possibility of an emergency.

**Other Agencies’ Emergency Response Plans**

There are a number of other agencies that require emergency plans or procedures depending on what you are doing or what you have onsite.

* **Department of Transportation Research and Special Programs Administration (RSPA) Pipeline Response Plan** [*49 CFR Part 194*] – For onshore oil pipelines that could discharge oil into or on any navigable waters of the U.S. or adjoining shorelines;
* **Coast Guard Facility Response Plan** [*33 CFR 154, Subpart F*] – For marine transportation-related facilities that could discharge oil into or on navigable waters, shorelines or exclusive economic zones.
* **Department of the Interior Minerals Management Service Facility Response Plan** [*30 CFR Part 254*] – For owners or operators of oil handling, storage or transportation facilities located seaward of the coast line;
* **FEMA Emergency Operation Plan** [*44 CFR Part 302*] – For jurisdictions receiving emergency management performance grants by FEMA;
* **Federal Radiological Emergency Response Plan** [*10 CFR Part 50*] – Related to potential accidents involving nuclear material; and,
* **State-specific plans**.

**A Combined Plan to Satisfy Multiple Requirements: Integrated Contingency Plans**

As a company, you may need to prepare a number of these plans, and some of them can have the same overlapping requirements. Having multiple plans could be a nightmare to keep track of if your facility was required to have several. Seeing this, a collection of agencies forming the National Response Team developed a guidance for a “one plan” option.

The National Response Team, or NRT, is made up of EPA, OSHA, the Coast Guard, the Minerals Management Service, and DOT’s RSPA. EPA is the chair of the NRT. They issued guidance for Integrated Contingency Plans, or ICPs.

ICPs apply to oils and non-radiological hazardous substances. You can make one ICP that can covers all of the following emergency response plans into one plan.

* SPCC Plan
* EPA Facility Response Plan
* EPA Risk Management Plan
* Hazardous Waste Contingency Plan
* OSHA Emergency Action Plan
* OSHA HAZWOPER
* OSHA Process Safety Emergency Plan
* DOT Pipeline Response Plan
* Coast Guard Facility Response Plan
* Minerals Management Service Facility Response Plan

This helps consolidate the overlap, but you will need to make sure you include all of the elements that are required in these plans. The NRT suggests that you also incorporate your state and local-specific emergency response procedures into this plan as well. You are still free to hold separate plans, but the NRT has provided this option to help you demonstrate compliance.

**Where Do You Go for More Info?**

We will be breaking all of these different plans out and explaining them further in future blog posts.

In the meantime, if you have questions, need help sorting through which plans you need, need assistance in pulling something together or consolidating your current plans into an ICP, iSi can help. Not only can we help determine the plans you need, but we can write them, organize them and double check them for you too. [Contact us today](https://isienvironmental.com/pricing/) for more information and a price quote!

**Emergency Power Generators: Which Environmental Regulations Apply?**

Emergency power generators can be critical pieces of equipment for any facility, especially in the stormy seasons of spring or winter. If you have one in your facility now, or are thinking about getting one, you need to be aware of the environmental regulations which are triggered by having one onsite.

[EPA](https://www.epa.gov) defines emergency generators as “…stationary combustion devices, such as reciprocating internal combustion engine or turbines that serve solely as a secondary source of mechanical or electrical power whenever the primary energy supply is disrupted or discontinued during power outages or natural disasters that are beyond the control or operator of a facility.” There are no time limits to using emergency generators during an emergency, but there are limits to the number of hours a generator can be used in non-emergency situations such as maintenance, testing, and other occasions such as offsetting electrical demand or to reduce electrical costs.

The bigger the generator, and the older the generator, the more likely environmental regulations will be triggered. The type of fuel used to power the generator also affects compliance. Generators can run on diesel fuel, gasoline, propane or natural gas.

The following environmental regulations may be triggered by your emergency generator:

**Air Emissions**

Emergency generators can have the potential to emit various air pollutants such as carbon monoxide, volatile organic compounds, xylene, carbon dioxide, sulfur dioxide, and others.

Depending on your state or local environmental regulations and the type of generator you have, you may need to prepare and file for an air permit whether it be a general permit, an operating permit, or a construction permit.

There are specific rules which govern the various types of generator engines. 40 CFR 60, Subpart III is for stationary compression ignition generators, 40 CFR 60, Subpart JJJJ is for stationary spark generators, and 40 CFR 63, Subpart ZZZZ applies to reciprocating internal combustion engines (RICE). Each regulation has strict operating guidance and compliance obligations.

**Spill Prevention, Control and Countermeasures (SPCC)**

If the fuel which you store onsite is in a tank with storage above 600 gallons, you will need to prepare an SPCC plan. SPCC Plans identify discharge prevention potential, discharge prevention measures and tasks, training, and the procedures to be followed if a spill does occur.

**Emergency Planning and Community Right to Know Act (EPCRA)**

If your fuel storage is above certain amounts, you will be required to conduct EPCRA annual reporting, chemical inventorying, and notifications. ([For more information about EPCRA read our recent EPCRA blog article](https://isienvironmental.com/index.php/epcra-tier-ii-blog/).)

**Tank Certifications and Registrations**

Aboveground and belowground fuel storage tanks may need to be registered, permitted, inspected, and certified per state and local regulations. Tanks for emergency generators are required to have release detection devices and must be tested annually with regulatory reporting requirements in the event of a release.

**PCBs**

A potential for the presence of polychlorinated biphenyls (PCBs) can be found in any transformers, capacitors, electrical equipment, thermal insulation and motor/hydraulic oils. Cleanups, exposures and removals would need to be handled according to EPA’s PCB regulations.

**Employee Exposure Issues**

Though technically a safety issue, any backup generator which is brought into a facility could cause additional employee exposure issues. Before the use of generators, noise sampling would need to be conducted to determine the potential noise exposures to employees in the area. Exhausts emitted from indoor generators may cause additional issues with employee exposure to chemicals, causing the need for engineering controls or additional employee personal protective equipment use.

**Which Regulations Apply to Your Generator?**

The regulations which apply to emergency power generators can vary greatly depending on style, type, model, your location, facility setup and other factors. What are your specific permitting requirements? Let iSi figure this out for you. [Contact us for more information](https://isienvironmental.com/index.php/contact-us/) about environmental obligations, or [ask us for a pricing quote](https://isienvironmental.com/index.php/pricing/) to take a look at your situation.

**Hazardous Waste e-Manifest System Coming in June**

EPA is establishing a nationwide electronic hazardous waste tracking system, and it hopes to have it up and running by June. The system will be known as e-Manifest, and will allow shippers to complete electronic manifests and destination/receiving facilities the opportunity to electronically upload manifests.

All states will be required to implement e-Manifest and incorporate it into their hazardous waste programs as an option. The system will be linked to RCRAInfo, a separate site which collects information on hazardous waste sites.

Right now, the using e-Manifest will be optional. Paper manifests will still be accepted from generators for the foreseeable future, and from destination/receiving facilities for up to three years. EPA hopes that by using electronic means, significant gains in cost, time, accuracy, notification, and monitoring effectiveness can be realized by all who use the system. Electronic manifests will be just as legal as paper ones, except they’ll be completed and signed electronically.

Using e-Manifest will satisfy EPA, RCRA and DOT 3-year recordkeeping requirements. EPA is also working with DOT to ensure e-Manifest will produce a proper shipping paper. DOT will still be requiring hard copies to be sent with the shipment, so those using e-Manifest will be able to print out a copy of their manifest for DOT purposes.

In the future, the e-Manifest system may link to the Biennial Hazardous Waste Report, and potentially replace it.

The fees for the system will be paid by the destination or receiving facility, which more than likely will be passed down to the generator. Fees will be per manifest, and fees for electronic manifests will be lower than the paper ones.

The target date for e-Manifest roll-out is June 30, 2018.

**What’s the Difference Between Emergency Action Plans and HAZWOPER’s Emergency Response Plan?**

Being prepared for emergencies at your facility is vital, and having that plan communicated to your employees is even more critical. OSHA references a couple of different plans in its regulations, one is the Emergency Action Plan and then OSHA’s HAZWOPER standard mentions requirements for an Emergency Response Plan. So, what’s the difference between these two plans?

**Emergency Action Plans (EAP)**

When reading the OSHA standards for Emergency Action Plans, it’s easy to be confused because they can be pretty complicated.

EAP requirements are found in [29 CFR 1910.38](https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.38)(a). They are part of Exit Routes and Emergency Planning in Subpart E. A number of OSHA standards require that you have an EAP, including the regulations related to Process Safety Management, Fixed Extinguishing System-General, Fire Detection Systems, Grain Handling, Ethylene Oxide, Methylenedianiline and 1,3-Butadiene.

In 29 CFR 1910.157, Portable Fire Extinguishers, there is mention of needing EAPs as an alternative to teaching your employees how to fight fires. There are a bunch of if/then conditions, but OSHA really puts it plainly in their online eTools that the only way a company wouldn’t have to have an EAP is if you have an in-house fire brigade where every employee was trained and equipped to fight fires. So basically, it doesn’t matter which regulations require EAPs, if you don’t have an in-house fire brigade where every employee is trained to fight a fire, you’re going to need an EAP.

**So, Then What’s in an EAP?**

This standard says that an EAP must be in writing, kept in the workplace, and available to employees for review.

At a minimum, EAPs need to include procedures for:

* Reporting a fire or other emergency;
* Emergency evacuation, including type and exit routes;
* Employees who remain to operate in critical plant operations before they evacuate;
* Accounting for all employees after evacuation;
* Employees performing rescue or medical duties; and,
* Name and job title of every employee who may be contacted by employees who need more information about the plan or their duties under the plan.

Employers with more than 10 employees are required to have an employee alarm system with a distinctive signal.

As an employer, you must train employees in the safe and orderly evacuation of other employees. You must review the EAP with every employee covered by the plan when they are initially assigned to a job, when that employee’s responsibilities in the plan have changed, or whenever you make any changes to the plan.

If you have 10 or fewer employees you can communicate the plan orally to employees however, it’s a good practice to still have it in writing because when you get your 11th employee unless you’re super organized, it’s unlikely that will trigger a reminder to put your plan in writing.

**HAZWOPER Emergency Response Plan**

The OSHA HAZWOPER (Hazardous Waste Operations & Emergency Response) standard at [29 CFR 1910.120](https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.120) goes into detail about Emergency Response Plans.

If you are going to have your employees respond to releases and spills, you are required to have an Emergency Response Plan. This also applies to employees that are dispatched to an incident such as from a fire station, fire brigade, or emergency medical service. This plan describes what the employees are expected to do in an emergency response.

If your facility intends to evacuate everyone from the danger area when there’s a release and have someone else do the emergency response portion, then you just need an Emergency Action Plan. Otherwise, if you are having employees respond, you need the Emergency Response Plan.

Emergency Response Plans need to include procedures/instructions for:

* Pre-emergency planning and coordination with outside parties;
* Personnel roles, lines of authority, training, and communication;
* Emergency recognition and prevention;
* Safe distances and places of refuge;
* Site security and control;
* Evacuation routes and procedures;
* Decontamination;
* Emergency medical treatment and first aid;
* Emergency alerting and response procedures;
* Critique of response and follow-up; and,
* PPE and emergency equipment.

Emergency response organizations may use the local emergency response plan or the state emergency response plan or both, as part of their emergency response plan to avoid duplication. The HAZWOPER plan has also been adopted by EPA’s SARA regulations at 40 CFR 311 for state and local government employees in federal-OSHA states and their volunteers.

**Other Emergency Response Plans Required**

These are just two plans from a whole laundry list of emergency-related plans required by OSHA, EPA, DOT, and several other agencies. Want to learn more? [Read our blog about all the other emergency plans required here](https://isienvironmental.com/emergency-plans-blog/).

**Need Help?**

If you need help determining which plans apply to you, need help writing one of these plans, or just want a review, contact us!

**DOT Registrations Due by July 1st**

If your company ships hazardous waste or hazardous materials in certain quantities, you are required to register with the Department of Transportation (DOT) annually.

**Who Registers?**

Companies or individuals shipping the following must register with DOT:

* A quantity of hazardous material/waste that requires placarding.
* A hazardous material (including hazardous wastes) in a bulk packaging having a capacity equal to or greater than 3,500 gallons for liquids or gases or more than 468 cubic feet for solids.
* A shipment in other than a bulk packaging of 5,000 pounds gross weight or more of one class of hazardous materials (including hazardous wastes) for which placarding of a vehicle, rail car, or freight container is required for that class.
* A highway route controlled quantity of a Class 7 (radioactive) material by highway, rail, air, or water.
* More than 55 pounds of a Division 1.1, 1.2, or 1.3 (explosive) material by motor vehicle, rail car, or freight container.
* More than 1 liter/1.06 quarts per package of a "material extremely toxic by inhalation.”

State and federal agencies, Indian tribes, farmers, and individual truck drivers are exempt from registration. Government contractors must register, as do any farmers who transport hazardous materials not used in farming or truck drivers who aren’t driving a truck already registered by a motor carrier.

**Where to Register**

Registrations are [conducted online](https://portal.phmsa.dot.gov/phmsapub/faces/PHMSAHome?attempt=0&_afrLoop=2252389059322309&req=1661129509413843419&_afrWindowMode=0&_adf.ctrl-state=71ntrq474_4) or you can [fill out a form](https://www.phmsa.dot.gov/registration/registration-mail) and mail it in. There will be a fee for registration. Registration fees are determined by your company’s size, that is, whether or not you are considered to be a small business by the U.S. Small Business Administration. You will need to know your company’s primary NAICS code. Once you determine your NAICS code, you’ll be able to determine if you meet the small business size standard. Fees can range from $275/year for a small business to $2,600 for a large business, with slight discounts for registering for up to 3 years at a time.

Your company cannot transport hazardous materials until registered. If your company has failed to register for any previous years, you will need to register for any missed years and pay for those as well.

**Recordkeeping**

Once registered, you’ll receive a Hazardous Materials Certificate of Registration. This will have your DOT registration number, year, date issued, and expiration date. Those who register online can choose to print out their certificate, or have one mailed. Copies of your registration forms and certificate must be kept on file for 3 years and may be asked for during an inspection. Any trucks, truck tractors, or vessels must have a copy of this certificate or another document with your current DOT registration number on it.

**DOT Hazmat Registrations Due July 1**

If your company ships or transports hazardous materials, including hazardous waste, you are required to register for a U.S. Department of Transportation (DOT) number. These registrations are due for renewal annually and the payments are due before July 1.

Fees are based on the nature and size of your company. You will need to know the primary NAICS Code for your company first. There are two tiers of company sizes: “small” and “large” based on number of employees and revenues. Small company fees are $250/year and large company fees are $2,575/year.

You can register by mail or online at https://www.phmsa.dot.gov/registration/online-registration.

DOT has the option for your company to register for up to three years at a time.

If you are transporting hazardous materials, certificates of registration are required to be kept in your vehicle at all times. These will be required during roadside inspections. Failure to have one in the vehicle, or failure to have an updated certificate, could result in a fine of up to $37,500 per day.

In addition, copies of the certificates of registration are to be kept for three years at your place of business and must be available for inspection.

Fees that are collected from these registrations are used to pay for grants and state and Indian tribe programs related to hazardous materials emergency response planning and training.

If you need assistance in determining if this requirement applies to your company, or need help in completing the paperwork for this requirement, [please contact us](https://isienvironmental.com/index.php/contact-us/). Also, if your company is shipping or transporting certain types of hazardous materials or large bulk quantities (6,614 lbs. of solids or 792 gallons of liquid), you are required to have DOT Security Plans in place. iSi can help determine if this additional requirement applies to you, and help you prepare these plans as well. [Please contact us](https://isienvironmental.com/index.php/contact-us/) for more information.